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# Land Rights of Single Women



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# Foreword

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ActionAid has been working with single women and their rights for more than a decade now in myriad of ways, from supporting women in disaster situations to access compensation and housing rights to accessing citizenship rights and organising them across different States. There are more than 10,000 women that our partners and community based organisations have been able to organise and support formations at local and the State levels (in A.P., Gujarat, Rajasthan, Madhya Pradesh and Odisha). The work with women rendered single by the earthquake in Gujarat in 2000 helped us to develop our own perspective and strategies to work with women who are single. It gave us grounded understanding of rights based work with single women, while being informed by women's rights perspective.

ActionAid is of the belief that work with single women has to move beyond ensuring entitlements for food and pension to ensuring rights to education, health, land, livelihood, agriculture, access to institutional credit and employment opportunities.

There is a huge organised constituency of single women across the country due to efforts of civil society organisations that act as a lobbying and advocacy group seeking policy measures to secure rights of single women. Hugely inspirational work in organising single women across the country have been done by the National Forum for Single Women's Rights and organising women farmers that includes single women by the Mahila Kisan Adhikar Manch (MAKAM). These are historically significant milestones. At ActionAid we continuously learn from such initiatives and express our solidarity with them.

Our current work in Odisha is a step towards furthering initiatives to create a political agenda and strengthening policy voice for the rights of single women in the social sector. The 12th Plan document took note of the issue of women in difficult circumstances and discussed the priorities for single women. This was hitherto not the case. We need proactive measures by the State to reach out to single women to secure their rights and opportunities to realise their full potential. E.g. the Open Universities must make special efforts to reach out to single women in bringing them to the fold of education. Else large number of single women will continue to remain in isolation and will perforce be dependent on state pension.

ActionAid's work in Ganjam in facilitating access to homestead land is a firm step in this direction of access to property rights. This study empirically outlines the profiles of women for whom the land is a step towards establishing their own rightful place and take control of their lives. Our experience in some of the disaster context where housing has been provided to single women is that it has enhanced entrepreneurial skills and enabled access to better livelihood. This is perhaps a strong political message that all women have the right to social, economic, cultural and political rights regardless of status. Establishment of Single women's identity in policy discourse through the grounded efforts of accessing right to land and other economic empowerment activities help us to establish the notion that single women are rendered vulnerable due to deprivation and marginalisation. Such work demonstrates the possibility of single women occupying their rightful space as agents of change towards social justice.

There is a long way to go in deepening policy thinking and measures to address all rights of single women. The very inclusion of single women as one of the focus areas in any policy on women is in itself is challenging. Likewise, the term Single Women is still contested as it uses the framework of marriage and family as defining characteristics. However, to understand the need of women in socially difficult circumstances – like widowhood, divorce, abandonment etc., this term is currently being used and in a sensitive manner. The hope remains that when vulnerabilities are removed none of these terms will carry any scope for any depreciatory meaning.

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# Preface

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Addressing women rights in any intervention is the hallmark of ActionAid's endeavour worldwide. While working for women rights we always hold that we need to address the casual factors of poverty which will go a long way in altering power balance in favour of women. In this context, land rights for women are one of the empowering endeavours on which we have been working since long. For single women, land rights assumes even more importance as it becomes a source of dignity, recognition and a source of livelihood and shelter. In this context, the study on single women with special focus on land rights commissioned by ActionAid assumes tremendous importance. As pointed out by the study, "women are invisible in the context of laws relating to land rights, policies and programmes as well as in the implementation organs of land administration". Both at government level and at the civil society level, there is a lot to be done on this front. Not only the land rights, but the critical support thereafter to build the house if it is a homestead land and facilitating access to all welfare schemes would go a long way to address the vulnerabilities of single women. As the study points out – 'inclusion of single women in land distribution schemes by itself may not be sufficient to address the vulnerabilities. Thus house building assistance is essential and also the support towards a sustained livelihood'. If it is agricultural land, then we have to support the women for undertaking sustainable agriculture so that she gets the maximum out of the land in the long run. Even if for the women who all these and are proficient in agriculture, the land title would give them an enormous boost of courage and confidence. Obviously work around women and land rights and especially that of single women would need concerted actions both government and civil society level in terms of clarity of the definition of single woman, adequate human resource to carry out special programmes for women and land rights, community sensitisation on the policy, schemes and procedures to the rural women and also additional funds to do all these activities.

On behalf of ActionAid, we thank Dr Amrita Patel Principal Advisor for the study for taking pains to guide the study, to its logical conclusion. We also want to thank the members of the research team like Swati Tanmaya Mishra, Research Assistant, Somya Chhabra, Intern, Nirakar Beura, Field Investigator, Laxmikanta Paikray, Field Investigator, Mayadhar Behera, Field Investigator.

Last but not the least I want to thank my colleagues Ghasiram Panda, Programme Manager, B.N. Durga, Programme Officer, for contributing to this study and coordinating the field work.

Also I would like to thank all my colleagues of the regional office, Bhubaneswar to assist the completion of the study and its sharing. I am sure the study entitled Land Rights of Single Women will be productively used by the researchers, academicians, policy makers and the civil society.

We express our special thanks to Sandeep Chachra, Executive Director, ActionAid Association for his constant support and inspiration to this research.

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## Message

**Manoranjan Mohanty**

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When I was invited to the workshop on the Rights of Single Women in Bhubaneswar, the first thing that struck me was that in our human rights book we had missed this item! In 2009 we had brought out a coauthored volume from the Council for Social Development (Daanish Publishers) entitled *Weapon of the Oppressed: An Inventory of People's Rights in India*. We had thought that our team had covered the most extensive range of rights. What a shame, we did not think of such an important right! This showed that not only various aspects of gender injustice still go unattended, but also never should one assume that a complete list of human rights was already available. After all according to our theoretical understanding, rights were desirable human conditions politically affirmed through people's struggles. And the struggles would go on, addressing from time to time new forms of injustices and wrongs in society which human civilisation found unacceptable.

In this volume, the research team consisting of scholars and social workers has done a laudable job bringing out the findings of village level studies in Odisha with focus on the land rights and several other crucial social, economic and cultural conditions facing single women. This is an extremely valuable documentation and analysis with realistic recommendations for policy-making, advocacy as well as research.

Unmarried women, widows and divorcees and women placed in actual conditions of single women though formally they may not belong to one of these categories, especially the differently abled among them, represent conditions which have not been adequately documented and analysed thus far in India. This project is a substantial step aiming at filling that gap.

The contemporary attitude towards single women is often one of pity or sympathy, seen as a taboo to the person or family. In contrast to the prevailing attitudes, this work belongs to a new discourse that treats their needs and demands as rights rather than either one of charity or welfare. Many such issues have now been uplifted to the realm of human rights for which the whole society had a responsibility and government had to provide conditions for their fulfillment which would be justifiable.

In rural areas the single women suffer the most because of the cumulative impact of unjust economic, social and cultural practices. Therefore, land right of women in general and single women in particular is a crucial demand for securing their dignity and livelihood. Economic right to productive resources, both land and other family property, right to education and health, share in common resources of the village or forest community is absolutely necessary. Access to credit and market facility is especially needed to avail opportunities in the modern economy and undertake self-employment projects. In contemporary times, feminization of agriculture brings additional women and more so to single women. What caste practices exist that perpetuate the denial of the rights of single women and what conditions in the agrarian economy may facilitate their rights among the Dalit and OBC communities may also be examined in this context. All policies be for economic support and social protection for women have to be reformulated accordingly.

At the same time, the social practices such as denying the widows the right to remarry, looking down upon the divorcees, assuming that middle aged or older, single women did not qualify for normal human relationships have to be subjected to serious questioning. Many women in modern times, especially working women decide to remain unmarried and shape their life independently in new frameworks of living. There are many other aspects of the rights of single women which need to be further investigated and pursued.

Men and women have a challenge to undertake and prove that they can contribute to building a just and equal society where rights such as those of single women are respected and realized. All institutions, especially Panchayats and other local bodies have an obligation to address this issue as they are the closest to people on the ground level. Policy makers have to be pressurized to make laws and take administrative steps for this purpose. Attitudes of young boys and girls must be reshaped through education at the school level so that they grow up with a democratic outlook on the position of single women in our society and pledge to fulfill their rights. Media, particularly that in Indian languages has a commitment to promote this campaign. How single women are pictured in films, plays and literature is bound have a deep impact on the social consciousness of people.

The authors of the present volume and Action Aid must be congratulated for this pioneering work that highlights a hitherto neglected issue, the rights of single women.

## Message

**Dr. Aurobindo Behera, IAS (Retd.)**

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In the last few decades there has been a heightened awareness in our country about the need for women enjoying equal rights and entitlements with men so that a more progressive, just and prosperous society can be built. Governments, often egged on by civil society activism, have therefore taken a number of measures, legislative and otherwise, to remove the disabilities of women, empower them and ensure gender justice. The areas which have especially come under the scanner include women's role in the democratic decision-making processes, equal employment opportunities and wages, asset ownership and so on.

Land is not only considered a valuable asset, a pre-requisite for livelihood opportunities, but land ownership also confers prestige and social status. Ownership of land or the lack of it makes or mars the prospect of a decent and dignified life for many. Therefore action on this front can address the inequities of economic and social disparities.

Against the above backdrop, the study conducted by Action aid on the issue of land rights of single women assumes significance. As such women constitute a vulnerable section in our society, and being single, accentuates the vulnerability. When it comes to ownership of either homestead land or agricultural lands, the situation of single women in Odisha has been found to be worse than that of their counterparts in other states. Therefore, the issue has to be addressed with a greater sense of urgency here.

I commend the efforts of Action Aid for conducting the study and publishing the results of the study. The team entrusted with the assignment also deserves our complement. I am sure the publication would draw the attention of the wider public to the issue of land rights of single women and would lay the foundation for more nuanced studies in future. I would also hope that the state government, while implementing programmes of land allotment to the landless, would continue to accord priority to one of the most vulnerable groups of our society i.e. single women.

# Abbreviations

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ADM	Additional District Magistrate
AIDS	Acquired Immune Deficiency Syndrome
AWC	Angan Wadi Center
AWW	Angan Wadi Worker
BDO	Block Development Officer
BPL	Below Poverty Line
CBO	Community Based Organisation
CSO	Civil Society Organisation
DM	District Magistrate
FGD	Focus Group Discussion
FRA	Forest Rights Act
GP	Gram Panchayat
HIV	Human Immunodeficiency Virus
IAV	Indira Awas Yojana
LAD	Local Area Development
MLA	Member of Legislative Assembly
MP	Member of Parliament
NGO	Non Governmental Organisation
OBC	Other Backward Caste
ODRP	Odisha Disaster Recovery Project
OPL	Orissa Prevention of Land Encroachment
OSDMA	Odisha State Disaster management Authority
PHC	Primary Health Care
PRI	Panchayati Raj Institution
PS	Panchayat Samiti
RI	Revenue Inspector
Rs	Rupees
SC	Scheduled Caste
ST	Scheduled Tribe
WSHG	Women Self Help Group

# Glossary

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**Patta** - Patta means the final Record of Rights, a copy of which is issued in favor of the lawful owner of the land. It contains the name of the owner, the plot wise classification of land, the rent and cess payable for it, the status of the right, title and interest over the land, and the names of the tenants who are on the northern and southern boundaries of the plots included in the Patta or Record of Rights.

**Palli Sabha** : Meeting of all voters of a revenue village constitute Palli Sabha

**Gram Sabha**: Meeting of all voters of all revenue villages within a Gram Panchayat is the Gram Sabha

**Gram Panchayat/ Panchayat** : A gram panchayat is the cornerstone of a local self-government organisation in India of the Panchayati raj system at the village or small town level

**Sarpanch**: Elected head of the Gram Panchayat

**Tahasildar** : District level officer in charge of revenue and tax matters of a tahasil

**Tahasil** : an unit of administration within a district/ synonymous with Block

**Decimal land** : One decimal land equals 436 sq feet.

**Block** : an unit of administration within a district/ synonymous with tahasil

**Kewda** : Botanical name : Pandanus fascicularis. The flower is distilled for the production of kewda perfume. About 90% of India's total production of this perfume is obtained from the Ganjam district of Orissa where over 30 million flowers are distilled annually. Kewda attar and kewda water, the most popular preparations of kewda perfume, are mostly used in flavouring tobacco and food.

**Kondh**: a Tribal community

**Phailin**: A very severe cyclonic storm Phailin was the second-strongest tropical cyclone ever to make landfall in India in Ganjam district on October 10th & 11th, 2013.





## EXECUTIVE SUMMARY

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Constitutional provisions embedded in article 14, 15(1), 15(3), 39(a), 39A stipulated equality irrespective of sexes and affirmative action in favour of girls and women.

Rights of women in property and assets are however often influenced by socio-cultural factors. Formal law codifies a women's right to property; however, this formal law takes into account the customary or religious law that stipulates the details of woman's inheritance. The influence of customary and/or religious law is particularly high in the issue of land rights for women.

It is important that women should have independent land rights based on three types of argument: welfare, efficiency, and equality or empowerment. The concern here is with women having effective and independent rights in land, effective rights being rights not just in law but also in practice; and independent rights being rights that women enjoy in their own capacity and independent of those enjoyed by men. Because land can be seen not just as an economic asset, but is also of political and social significance particularly for women.

In India, the national laws and policies have recognized the issue of land ownership of women. Initially the Sixth Five Year Plan (1980-1985) provided for joint titles to spouses. In the Eighth Plan (1992-1997), 40 percent of forfeited land was to be allocated to women, and the remaining land to both spouses through joint titles. The Ninth Plan (1997-2002) had a women's land rights section and provided for land titles mainly distributed to women through women's groups or individually. During the Tenth Five Year Plan (2002-2007) it was aimed to ensure effective implementation of land reform legislations setting ceiling so as to guarantee the distribution of surplus land to women. The Eleventh Five Year Plan (2007-2012) agenda for women in agriculture aimed at ensuring effective and independent land rights for women and strengthening women's agricultural capacities. It encouraged for direct transfers of land to women through land reforms, anti-poverty programmes, and resettlement schemes. The Twelfth Plan (2012-17) has the goals: ... "Improving employability of women, work participation rates especially in the organized sector and increased ownership of assets and control over resources.

In the state of Odisha, the laws related to land have been a mixed bag for the women. Odisha Land Reforms Act 1960 (amended in 2006) allows widows, divorcees, unmarried women to lease their land for cultivation, when leasing is otherwise prohibited. Under Orissa Government Land Settlement (OGLS) Rules 1983, homestead land up to 10 decimal can be allotted to persons having no homestead land in rural areas. Vasundhara scheme has been launched basing on this legal provision. Inclusion of women has not been specifically mentioned though by virtue of earlier orders women are to be joint patta holders along with their spouses on land titles. Government circulars also mention that widows, women headed households, un married women are to be given preference. Major unmarried daughters are to be treated as an unit of family for the purpose under the Odisha Rehabilitation & Resettlement Policy. The Odisha State Policy for Girls and Women pronounces to enable women and women's groups to claim their rights over assets, land and housing through legislations and administrative measures.

So while on paper there exist administrative mechanisms to include women in land distribution schemes, the field reality is different.

Action Aid Bhubaneswar Regional Office in its journey to develop a policy paper on single women that would spell out different categories under which single women can be identified and linked to different entitlements, first carried out a desk review of all legal, administrative provisions including schemes and programmes meant for women's land rights. A study on the status of single women who had been identified in Ganjam district of Odisha for linking to land entitlements along with a national workshop on the topic of Developing Policies for Ensuring Rights of Single Women paved the way for doing this Policy brief.

The study brought out the fact that the inclusion of single women in land distribution schemes by itself may not be sufficient to address the vulnerabilities. Thus house building assistance is essential and also the support towards a sustained livelihood. Proper care and caution is to be taken while demarcating and / or earmarking land that is to be distributed to the beneficiaries. It is to be seen that the land is litigation free. If there has been any un-authorised encroachment, it should be solved. Revenue officials should involve panchayat's elected members, village level civil society organizations workers and women during land allocation meetings. Ownership of land increases the confidence and self esteem of women especially vulnerable women. But the lack of proper co-ordination among the administration results in the rightful owners not being able to possess the allotted land. The administrative Revenue department needs to be revamped and adequate capacity building including additional funds and functionaries have to be deployed to cover each and every village and identify the beneficiaries. For the old widows, inspite of having sons and daughters who are settled, land

and house ownership is essential towards ensuring that they are able to lead a life of dignity. But the prejudices towards the sons are rightful inheritors need to be addressed. The importance of land as an asset is amplified in an environment where there are no livelihood options particularly agriculture based. While the men have the option to migrate, it is the women who are left to fend for themselves. The administrative mechanism is not adequately responsive to the needs of the women and the apathy of the frontline workers in land matters makes the women more vulnerable. So the single women are those who are presently landless and above the age of 18 years. Additionally, she is a widow or deserted (husband not returned since 10 years or more) or divorcee or senior citizen or disabled (at least 40% disability) or unmarried woman.

Thus the inclusion of such women who be termed as single be done in land rights discourse is vital. Along side the need for convergence on house building assistance and sustained livelihood opportunities are to be met ; other wise land rights alone as a stand alone factor will not yield the results as desired. The bottom line is that the landless single women are able to have substantive land rights not just notionally or in paper. However the concept of who constitute the vulnerable single women has to be based on principles of equity and justice. The identity of such women should not subsumed within the norms of family / household.

The notion of who exactly is a single woman is deeply embedded in patriarchal norms and social practice. The concept of a single women and single men being different is based on the vulnerabilities that women face in general and more so if they do not have any men with them. The men could be fathers, brothers, sons, brothers in laws, nephews and so on and so forth. However if a woman is married and then she is either deserted, abandoned, thrown out or divorced, her inclusion as single women in legal parlance is not clear. Also if the husband is missing and /or dead, the nomenclature of single women is used. The concept of who constitute the vulnerable single women has to be based on principles of equity and justice. The identity of such women should not subsumed within the norms of family / household.

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## Section 1:

# Land rights - where do the women stand?

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**T**his section looks into the cross sectionality of women and their land rights- what does the Indian Constitution and national plans and policies state; what are the international instruments; what are the legal provisions; where are the women situated in this scenario; what the academics and scholars view point on the subject of access of women to land; how are women constituted and perceived (theoretically as well as in practice) in the context of land rights; what are the women's movement and state specific campaigns; the scenario in the state of Odisha on the subject of land, policies for development of women. Definitional aspects of single women in the various governmental programmes, policies and plans are also analysed. The objective of this report is thus to have a perspective on women in general and single women in particular in the context of land rights. The report is a part of larger work<sup>1</sup> being done to understand and identify the vulnerabilities of single women. The patriarchal norms along with social conditioning affect women who are single by choice or by compulsion. There is a definite gendered aspect of marginalisation, invisibility and non recognition of single women. In the context of the Odisha State Policy for girls and women, it is essential to talk of single women as a special entity with proper definition/categorisation.

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<sup>1</sup> Action Aid Bhubaneswar Regional Office is developing a policy paper on single women that would spell out different categories under which single women can be identified and linked to different entitlements. This policy paper would be developed by conducting a study on the status of single women who had been identified in Ganjam district of Odisha for linking to land entitlements. In its recent work on single women in Ganjam district, ActionAid found that the government approved the application of only 5000 single women and rejected the eligibility of rest 25000 single women who had submitted their application for issue of land.

The present report also draws extensively from a field work that was undertaken in the district of Ganjam in the state of Odisha to understand the situation of the status of the single women including their experiences of violence and violation of rights.

## **1.2 Introduction**

Land is a critical economic and social asset for women as it is a key input to agricultural production, a source of income, and collateral for credit. For women, ownership of and control over land can increase bargaining power within the family, and can also empower them within the community. Land is valued not just for material purposes or as a productive resource but also for symbolic reason in terms of identity, status and hierarchy within a social context. Thus issues of ownership and control are critical in the context of land rights of women.

The relation between Land rights and gender inequality is complex; however, it cuts across nations, cultures and religions. Land, in its varied forms, is one of the most important resources required to attain a level of self-sufficiency, not only economically but also socially. This is especially true of the resource dependent rural areas, where land is the most valued resource. Here, land not only refers to the agricultural land but also encompasses forests, pastures wetlands as well as homestead land. For the rural population, control over one or more of these categories is imperative for a sustained economy and to be considered as a significant and valuable member of the community.

Women can obtain land through State's distribution process, family inheritance and purchase from the market. Ownership of land can be by virtue of individual rights through inheritance, joint titling; unsurfuctuary rights to common land; tenancy rights etc. In each of these ways in which a woman can own, possess and have rights over land is guided by norms and policies which do not operate in a social vacuum but rather influence the economic and social life of the household and the members within. In fact more often than not, women are invisible in the context of laws relating to land rights, policies and programmes as well as in the implementation organs of land administration.

It is important that women should have independent land rights based on three types of argument: welfare, efficiency, and equality or empowerment<sup>2</sup>. On welfare grounds, gender-based inequities in well-being are well documented. Women's lack of control over independent

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<sup>2</sup> Agarwal, Bina. 1994. *A Field of One's Own: gender and land rights in South Asia*. Cambridge University Press

sources of income has implications not just for their own well-being, but also for their children's well-being, since it is known that child nutritional status is more closely related to women's than men's income. To the extent that women's income is land-based, women's lack of access to and effective control over land may therefore threaten the well-being of many household members. Poverty and well-being are not necessarily closely correlated: women in better-off and higher-caste households are also disadvantaged in this respect by their lack of access to and control over land. On efficiency grounds, women are often the sole or de facto heads of households and, on the assumption that greater tenure/ title security provides production incentives, granting them independent title to land is likely to lead to higher agricultural output. In the empowerment basis, access, control and ownership of land by women will lead to greater autonomy, independent decision making by the women themselves.

Rights (in any form of property) are defined as claims that are legally and socially recognized and enforceable by an external legitimized authority, be it a village-level institution or some higher level body of the State. Land rights stemming from inheritance, transfers from the State, tenancy arrangements, land purchase, and so on can be in the form of ownership or usufruct (rights of use), and can encompass differing degrees of freedom to lease out, mortgage, bequeath, or sell.

However three distinctions are relevant such as

- legal recognition of a claim and its social recognition, and between recognition and enforcement. A woman may have a legal right to inherit property, but this may remain merely on paper if the claim is not recognized as socially legitimate or if the law is not enforced.
- distinction between ownership and effective control. It is sometimes assumed incorrectly that legal ownership carries with it the right of control in all its senses. In fact, legal ownership may be accompanied by restrictions on disposal.
- difference between rights vested in individuals and those vested in groups<sup>3</sup>.

The concern here is with women having effective and independent rights in land, effective rights being rights not just in law but also in practice; and independent rights being rights that women enjoy in their own capacity and independent of those enjoyed by men.

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<sup>3</sup> Are we not peasants too? Land rights and women's claims in India, Bina Agarwal, SEEDS, 2002

*We had tongues but could not speak.*

*We had feet but could not walk.*

*Now that we have the land*

*We have the strength to speak and walk!*

(As peasant women in Bodhgaya, Bihar, said on first receiving land in their own names quoted in Bina Agarwal, A Field of One's Own, Gender and Land Rights in South Asia)

Lack of access to land resources is both the cause and the consequence of gender inequality. While its importance is known to all and affects all, approximately half of the population is consistently denied access to land. Despite the provisions of the International Human Rights framework that stipulates a women's right to own, access or control land, they often remain landless and dependent on their male relatives. This has had a negative impact on the fulfillment of their other fundamental and human rights. On the other hand, the manipulation and violation of these rights has prevented women from accessing land. The lack of proper implementation and enforcement remains a major challenge to the realization of the rights women have over land, both in the rural and urban setting. However, the lack of land rights for women is not an isolated problem of governmental oversight; it is collective in nature and has socio-cultural undertones. The lack of access to land or property by women has not only resulted in economic and financial insecurity, but has also perpetuated the problems of domestic violence and dowry. In this context, land can be seen as more than just a source of material wealth; it is a source of status and recognition for women in her community<sup>4</sup>.

### **1.2 Constitutional Rights of women**

Article 14 states that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15 (1) states that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Article 15 (3) provides for affirmative and positive action in favour of women and children by empowering the state to make special provisions for them.

Article 39 [a] and (d) ensures right to adequate means of living for men and women, and the right to equal pay.

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<sup>4</sup>Rao, Nitya (2011), "Women's Access to Land: An Asian Perspective", UN Women Expert Group Meeting - Enabling rural women's economic empowerment: institutions, opportunities and participation



Article 39 A states that State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

Article 42 states that the State makes provision for securing just and humane conditions of work and for maternity relief.

Article 44 states that "the State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India."

Article 297 [1] states that all lands, minerals and other things of value underlying the ocean within the territorial waters, or the continental shelf, or the exclusive economic zone, of India shall vest in the Union and be held for the purposes of the Union.

Article 298 states that the executive power of the Union and of each State comprises the carrying on of any trade or business and to the acquisition, holding and disposal of property and the making of contracts for any purpose.

Article 300 A: "No person shall be deprived of his property save by authority of law."

### **1.3 Rights of women under various laws governing marriage, inheritance and land acquisition**

Land can be seen not just as an economic asset, but is also of political and social significance. Therefore, the access to and control of land is a major aspect of a country's legal framework. However, in the case of women's land rights, the laws governing land is often influenced by socio-cultural factors. Thus, there exists some degree of legal pluralism within every country, which means that more than one body of law operates for a given set of people. Thus, the laws governing the inheritance of land for women can be statutory, religious or customary<sup>5</sup>. Often, the law in place for a particular scenario arises from interplay between these three categories of law.

Statutory or formal law codifies a women's right to property; however, this formal law takes into account the customary or religious law that stipulates the details of a particular woman's inheritance. The influence of customary and/or religious law is particularly high in the issue of land rights for women as such a law governs the family whose land is to be inherited.

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<sup>6</sup> Rural Development Institute (RDI) Report (2009), "Women's Inheritance Rights to Land and Property in South Asia: A Study of Afghanistan, Bangladesh, Indian, Nepal, Pakistan and Sri Lanka"

**Situation in some other countries:** Such legal pluralism is particularly high in South Asian societies wherein different religious and ethnic groups have personalized formal laws according to their customs and practices. It is also discriminatory in practice as it allows for the denial of rights to women under the garb of personal custom or religion. Various examples can be sighted from the South Asian countries that point towards the discriminatory nature of legal pluralism. There are some regions of Pakistan where women have been consistently denied property rights that they are entitled to under the Islamic Law that governs the rest of the country. This is because the tribal norms override the state or Islamic law, and this has resulted in the systematic suppression of women's right to education, health facilities and physical safety. Similarly, in Afghanistan, it is the customary law that takes precedence in the case of conflict with Shari'a. It is these customs and Islamic rules that govern the practice of inheritance wherein daughters and widows are entitled to land or property. However, the daughters often do not claim or accept their share as they fear it to be culturally inappropriate [ibid]. While the situation of women's access to land rights in Bangladesh is similarly disadvantageous, the practice of inheritance is governed by the personal religious laws of each community. While the Muslim woman has a right to inherit property under the Quranic Law, such rights for Hindu women are practically non-existent.

In the case of India as well, different personal law encompassing marriage, divorce as well as succession applies to different religions. The Hindu Succession Act of 1956, along with its 2005 amendment governs more than 80% of the country's population. Despite the amendment that now considers daughters as eligible for inheritance of land, there exist gaps in law and practice. Women are still economically dependent on their male counterparts to a large extent and joint titling of landed property by a husband and wife is still highly uncommon, especially in the rural areas. The Muslim population of India is governed by the Muslim Personal Law, under which the widows and daughters have the right to inherit property but are to receive only half of what their male counterpart receive<sup>6</sup>.

Thus, the formal law in a legally pluralistic country can be seen as both a positive factor in providing for gender equality in terms land rights and as discriminatory when overridden by customary or religious law. It is in the best interest of women that the customary law be not

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<sup>5</sup> Rural Development Institute (RDI) Report (2009), "Women's Inheritance Rights to Land and Property in South Asia: A Study of Afghanistan, Bangladesh, Indian, Nepal, Pakistan and Sri Lanka"

allowed to shadow the equitable practices of a country's codified law. However, this requires a change in the socio-cultural practices that have come to shape such skewed societies.

### **1.3.1 Marriage laws**

The 1955 Hindu Marriage Act and the 1956 Hindu Succession Act govern the Hindus. The 1937 Muslim Personal Law Shariat Application Act and the 1986 Muslim Women's Protection of Rights on Divorce Act govern Muslims. Christians and Parsis are governed by the Christian Marriage Act and the Parsi Marriage and Divorce Act.

Under the Married Women's Property Act 1974 Article 4, married women's earnings are to be their separate property<sup>7</sup>.

### **1.3.2 Succession laws**

#### **1.3.2.1 Hindu Women's Right to Property Act, 1937**

This was one of the most important enactments that brought about changes to give better rights to women. The said Act was the outcome of discontent expressed by a sizeable section of society against the unsatisfactory affairs of the women's rights to property. Even the said Act did not give an absolute right to women. Under the said Act a widow was entitled to a limited interest over the property of her husband - what was to be termed as Hindu widow's estate. The Act was amended in 1938 to exclude the widow from any interest in agricultural land.

#### **1.3.2.2 Hindu Succession Act**

The 1955 Hindu Marriage Act and the 1956 Hindu Succession Act (HSA) govern the property rights of the Hindu women. The HSA amended in 2005 states that sons, daughters and widows are equal claimants in a man's separate property and in his share in the joint family property. It also gives women full control over what they inherited, to use and dispose of as they wished. In 2005, the amendment of HSA made daughters as coparceners. It codified the Hindu Personal Law into statutory law, which applies to Hindus, Sikhs, Jains and Buddhists.

- Article 6 [1]: the daughter of a coparcener shall i. by birth become a coparcener in her own right in the same manner as the son; ii. have the same rights in the coparcener property as she would have had if she had been a son; iii. be subject to the same liabilities in respect of the said coparcener property as that of a son.
- Article 6 [2]: Any property to which a female Hindu becomes entitled shall be held by

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<sup>7</sup>Ministry of Law and Justice. India Code (available at <http://indiacode.nic.in/>). New Delhi.

her with the incidents of coparcener ownership and shall be regarded as property capable of being disposed of by her by testamentary disposition.

- Article 6 [3] [a] provides that the daughter is allotted the same share as is allotted to a son.
- Article 10 states that the property of an intestate shall be divided among the heirs in class I of the Schedule in accordance with the following rules: i. The intestate's widow, or if there are more widows than one, all the widows together, take one share. ii. The surviving sons and daughters and the mother of the intestate shall take one share.
- Article 14 [1]: Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner.
- Article 30 states that any Hindu may dispose of by will or other testamentary disposition any property in accordance with the provisions of the Indian Succession Act, 1925, or any other law for the time being in force and applicable to Hindus.
- In case of testamentary succession, the act grants testators absolute freedom of will, i.e. no necessary inheritance share is reserved for family members. This provision is in practice often used to disinherit widows and daughters.

### **1.3.2.3 Indian Succession Act 1925**

The Indian Succession Act 1925, amended in 1991 governs all people registering civil marriage under the 1956 Special Marriage Act provides that the widow gets one third and the children two thirds of the estate. If there are no children, the widow gets one half and the other half goes to the kindred of the deceased. If there are neither kindred nor children, the widow gets the whole property.

### **1.4 International provisions towards women's land rights**

In the international arena, land rights have been closely linked to human rights and therefore, inaccessibility to land by women across rural and urban areas in the developing countries is seen as a violation of the fundamental human rights that have been enshrined in international laws and covenants. The link is justified, as the lack of land rights significantly impacts the realization and fulfillment of human rights such as access to health, food and water and housing, which are required for the overall well-being of a person. The lack of land rights for almost half of the population has serious consequences for the liberal agenda on which the ideal of human rights was based. Therefore, the International community has been extremely active

in prioritizing and promoting gender equality in the case of access to and ownership of land resources and property.

#### **1.4.1 Universal Declaration of Human Rights 1948**

One of the foremost instruments guaranteeing women's right to land is the Universal Declaration of Human Rights 1948 which specifically focuses on the principle of non-discrimination on the basis of gender in the enjoyment of the rights guaranteed, including rights to property, food, housing and education<sup>8</sup>. Article 17 states "since the right to property is inviolable and sacred, no one may be deprived thereof, unless public necessity, legally ascertained, obvious requires it and just and prior indemnity has been paid". Further under Article 217 (III) it is stated that: (i) Everyone has the right to own property alone as well as in association with others (ii) No one shall be arbitrarily deprived of his property. Earlier human rights were limited to claims of individual right to health, right to livelihood, right to shelter and employment etc, but now human rights have started gaining a multi facet approach. Now property rights are also incorporated within the definition of human rights. Even claim of adverse possession has to be read in consonance with human rights.

#### **1.4.2 International Covenant on Civil and Political Rights (ICCPR) 1966**

This guarantees gender equality between men and women and recognizes the rights to life, freedom and security in its various forms.

#### **1.4.3 International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966**

This prohibits discrimination based on sex and points towards the equality of right to food, health, education, work and association between men and women.

#### **1.4.4 Convention on Elimination of All forms of Discrimination against Women (CEDAW) 1979**

This declaration elaborates what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and

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<sup>8</sup> UN Human Rights Office of the High Commissioner and UN Women (2013), "Realizing Women's Right to Land and Other Productive Resources"



- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life - including the right to vote and to stand for election - as well as education, health and employment. State parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms. The Convention is the only human rights treaty which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.

Article 14.2 of the Convention stipulates that "State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development." It specifically focuses on the equal opportunity in land reforms and land resettlement schemes. The Committee on Elimination of Discrimination against Women has repeatedly mentioned that in order to enjoy financial independence, it will be critical for a woman to earn a livelihood and provide adequate housing and nutrition for herself and her family. The Committee recognizing that in many countries, there is no legal requirement to consult the woman in the matters of property held by the parties in her marriage, it has also looked at the discriminatory concept of the head of a household, urging governments to abolish it, while simultaneously working towards the ideal of joint ownership of land by men and women.

#### **1.4.5 Vienna Declaration and Programme of Action**

Adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) draws attention to the importance of women's rights and the rights of the "girl-child", Part I, para 18 stating: "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community."

#### **1.4.6 Beijing Platform for Action**

Adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap.

l) Beijing Platform for Action (BPFA) is a commitment on the part of the governments to advance the goals of equality, development and peace for all women around the world. The BPFA obliges the governments to look into its twelve critical areas of concerns as priorities for action. The areas of concern are: Women and poverty, women and education and training, women and health, women and armed conflict, women and the economy, women in power and decision making, institutional mechanisms for the advancement of women, human rights of women, women and media, women and environment, the girl-child. It recognizes persisting legal and customary barriers to ownership of or access to land, natural resources, capital, credit, technology and other means of production. It stresses that women can increase their production, marketing and income when they gain access to and control over productive resources. Five years after the adoption of the Beijing Platform for Action (BPFA), governments participated in a Special Session of the UN General Assembly to assess how it had been implemented. The meeting was officially called "Women 2000: Gender Equality, Development and Peace for the 21st Century", a review session that is also known as the Beijing+5 Review. In the year 2015, review of the twenty years since the BPFA will be underway.

#### **1.4.7 World Conference on Human Settlements**

The Habitat Agenda adopted in June 1996 by the World Conference on Human Settlements (Habitat II). The objectives for Habitat II were stated as: in the long term, to arrest the deterioration of global human settlements conditions and ultimately create the conditions for achieving improvements in the living environment of all people on a sustainable basis, with special attention to the needs and contributions of women and vulnerable social groups whose quality of life and participation in development have been hampered by exclusion and inequality, affecting the poor in general; to adopt a general statement of principles and commitments and formulate a related global plan of action capable of guiding national and international efforts through the first two decades of the next century.

The second UN Conference on Human Settlements paved the way for the Habitat Agenda which raised the issue of legal security of tenure and equal access to land by all, especially poor women.

#### **1.4.8 United Nations Human Rights Committee Resolution**

The United Nations vide its resolution 2003/22 on Women's Equal Ownership, Access to and Control over Land and the Equal Rights to Own Property and to Adequate Housing states that

there is a need to promote women's access, ownership and control of productive assets, property, land, and inheritance rights recognizing that women face multiple forms of discrimination<sup>9</sup>. Art 5 encourages Governments to support transformation of customs and traditions that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing, to ensure the right of women to equal treatment in land and agrarian reform as well as in land resettlement schemes and in ownership of property and in adequate housing, and to take other measures to increase access to land and housing for women living in poverty, particularly female heads of household.

Apart from this, the United Nations Human Rights Committee has also commented that "during marriage, the spouses should have equal rights and responsibilities in the family. This equality extends to all matters arising from the relationship such as choice of residence, running the household, education of the children and administration of assets" [UN HRC General Comment no. 19, 1990]. It specifically noted the equal rights of women to marital property and inheritance. The Human Rights Committee has also stated that "the capacity of women to own property may not be restricted on the basis of marital status or any other discriminatory ground" [UN HRC General comment no. 28, 2000].

#### **1.4.9 International Conference on Population and Development in Cairo, 1994**

The International Conference on Population and Development in Cairo in 1994 also looked into the promotion and strengthening of women's access to productive resources, including land and property.

#### **1.4.10 Policy frameworks of other countries**

While the International Community, especially the United Nations and its agencies, has been proactive in the de jure protection of the rights of women, many regional policy frameworks have also been working towards this aim at a more consolidated level.

The Protocol to the African Charter on Human and People's Rights have many provisions regarding the Rights of Women in Africa, focusing on land and property rights. The Protocol's guidelines call upon the African nations to ensure an equitable sharing of joint property in the case of separation, divorce or annulment of marriage. The state is also required to provide access to adequate housing and other material resources such as property to women, not taking into consideration their marital status.

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<sup>9</sup> <http://www.unhcr.org/refworld/topic,4565c2252f,4565c25f3e9,43f3132924,0,,RESOLUTION,.html>

Similarly, the Arab Charter on Human Rights guarantees the right to own private property to everyone, including women. The Regional Conference on Women in Latin America and the Caribbean has also brought states together on the issue of access to land and other productive resources by women in both rural and urban areas. It also calls upon states to adopt a gender sensitive approach in tax and fiscal policies and agrarian reforms, ensuring an equitable distribution of wealth and resources between men and women.

### **1.5 Indian Policies and Plans related to land rights of women**

National plans, including Five Year Plans, have focused on women's issues, including welfare and development<sup>10</sup>. The National Commission for Women was set up in 1990 to protect women's rights and legal entitlements. The Ministry of Rural Development has the land distribution scheme, wherein the rural landless are provided with homestead land and house, both allotted to the women head of the family. Focusing on Housing programmes, the Central Government of India directed the states in 1985 and 1992 to issue titles to government-distributed land, jointly in the name of husbands and wives, or women exclusively<sup>11</sup>.

Initially the Sixth Five Year Plan (1980-1985) provided for joint titles to spouses. In the Eighth Plan (1992-1997), 40 percent of forfeited land was to be allocated to women, and the remaining land to both spouses through joint titles. The Ninth Plan (1997-2002) had a women's land rights section and provided for land titles mainly distributed to women through women's groups or individually. During the Tenth Five Year Plan (2002-2007) it was aimed to ensure effective implementation of land reform legislations setting ceiling so as to guarantee the distribution of surplus land to women. The Eleventh Five Year Plan (2007-2012) agenda for women in agriculture aimed at ensuring effective and independent land rights for women and strengthening women's agricultural capacities. It encouraged for direct transfers of land to women through land reforms, anti-poverty programmes, and resettlement schemes. It included individual or group titles to women in all government land transfers, credit support to vulnerable women to purchase or lease land, records and legal support for women's inheritance rights, incentives and subsidies on women owned land. The Plan also proposed social security network for the most vulnerable section, specially the single women, widows, aged, disabled, weaker, and minority sections<sup>12</sup>.

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<sup>10</sup> Planning Commission Government of India. Five years plans (available at <http://planningcommission.nic.in/plans/planrel/fiveyr/welcome.html>). New Delhi

<sup>11</sup> "Women's Land Rights Project in Guatemala, India and Sierra Leone: Empowering poor and excluded women and fighting against poverty and hunger through enhanced access to and control over land" (2012), Actionaid Consolidated Baseline Report

<sup>12</sup> [http://planningcommission.nic.in/plans/planrel/fiveyr/11th/11\\_v3/11v3\\_ch11.pdf](http://planningcommission.nic.in/plans/planrel/fiveyr/11th/11_v3/11v3_ch11.pdf)

### Women Self Help Groups and land rights<sup>13</sup>

"Andhra Pradesh Women Self Help Groups (leasing of Agriculture land) Bill 2010": The Bill is intended to provide access to the rural landless poor to the land lease market. The Bill will provide a win-win solution to the tenants and landowners: tenants will get assured written tenancy for 5 years; and landowners will have their land developed while securing their land holding. In order to resolve the issues if any, between the both, Revenue courts have been authorized.

The following are the salient features a) Self Help Groups can lease in agricultural land as a group for the benefit of its landless poor women members not exceeding 1 AC per household. B) Lease period shall be not less than 5 years and shall be in writing. C) The land will automatically revert back to the Lessor after the end of lease period without encumbrances and there is no automatic renewal of lease. D) Other lease terms are to be decided between the land owner and the SHG group. E) Revenue Courts have been authorized to resolve disputes. F) Rights and responsibilities of the Lessor, Lessee and the Rural Development department are defined and stated in the Act

The legislation will benefit about 30 lakh SHG households which are currently landless.

The Twelfth Plan (2012-17) has the goals: ... "Improving employability of women, work participation rates especially in the organized sector and increased ownership of assets and control over resources." Recommendations on Women and ownership of land were as follows:<sup>14</sup>

- Land survey should be done periodically and inheritance records updated.
- Computerization of land records and revenue maps should be taken up on priority, particularly in tribal sub-plan areas. It should be ensured that the records of ownership of land are maintained by sex to ensure availability of sex disaggregated data.
- It is important to identify cases where widows and single women have informal ownership over land and get it recorded. In order to ensure that women who have entitlement get land registered in their names, separate inheritance camps for women can be conducted by the State Governments in a campaign mode.
- To promote awareness regarding women's land rights, mass media campaigns

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<sup>13</sup> <http://www.orissadiary.com/CurrentNews.asp?id=19876>

<sup>14</sup> [http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgrep\\_women.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgrep_women.pdf)

particularly with reference to amendment in Hindu Succession Act needs to be undertaken.

- Women SHGs should be encouraged to develop available common lands, given to them on a long term lease, through watershed development approach.
- It has been seen that even after women have access to land, they face problems in having access to improved agriculture practices. There needs to be a special package scheme designed under Mahila Kisan Sashaktikaran Pariyojana (MKSP) to meet the needs of women farmers with titles

## **1.6 Odisha scenario on legal provisions related to land**

### **1.6.1 Orissa Estates Abolition Act, 1952**

This is one of the important land rules in tenure reform and revenue administration in Orissa. The Act aims at abolition of all rights, title and interest in land of intermediaries by whatever name known, between the raiyats and the State and for vesting the said rights and allowed them to hold up to 33 standard acres of land for their personal cultivation.

### **1.6.2 Orissa Schedule Area Transfer of Immovable Property (OSATIP) Regulation, 1956**

Section (3) of the law states that any transfer of property by a member of a Scheduled Tribe in Scheduled areas to a non-tribal is not permitted. No tribal owner can transfer land to even another ST if the total land remaining with the tribal is less than two acres of irrigated land or five acres of unirrigated land. All transfers from ST to non-STs between 4th October, 1956 and 4th September, 2002 must prove the legality of the transfers to the Sub-collectors concerned by 04/09/2004, otherwise they will be treated as illegal. Persons in fraudulent possession of tribal land shall be liable of fine up to Rs. 5000/- and two years of rigorous imprisonment.

### **1.6.3 Orissa Land Reforms Act, 1960 (amended in 2006)**

The Orissa Land Reforms Act, 1960, aims at conferring permanent and heritable rights, fixation of ceiling on holding, vesting of the ceiling surplus land in Government and distribution of the same among poor farmers. It introduces uniformity in the land rights of the raiyats, regulation of rent and protection of Scheduled Caste and Scheduled Tribe from illegal alienation from their land as well as to limit the scope of landlords in the matter of resumption of land for personal cultivation. It is a progressive legislation with the ceiling of 33 standard acres, and then reduced it to 20 standard acres in 1965 and 10 standard acres in 1972. However, the period between 1960 and 1972 provided enough ample scope to the large landowners to transfer the land in the name of relatives while maintaining de-facto control to escape land ceiling provisions. This policy provides full ownership rights to tenants to the land in their possession

and bans tenancy; as a result the tenants have found it very difficult to prove their possession of land as large landholders resort to rotating informal tenants among their holdings and periodically evicting them to escape the provisions of the laws. The major effect of the tenancy laws has been to drive tenancy underground, making it more insecure and exploitative<sup>15</sup>.

The Orissa Land Reforms (Amendment) Act, 2006 is an act further to amend the Orissa Land Reforms Act, 1960. As per the existing provisions of section 8-A of Orissa Land Reforms Act, 1960, for conversion of agricultural land for non-agricultural purpose in all deserving cases, the raiyat has to surrender the land to Government and the same has to be allotted to raiyat concerned on lease hold basis. In this Act, section 2 says, for conversion of agricultural land, the raiyat is required to pay conversion fees only for change of kissam of land whereas Section 3 says about any person may appeal to the prescribed authority for conversion of agricultural land for purposes other than agriculture.

The Act allows widows, divorcees, unmarried women to lease their land for cultivation, when leasing is otherwise prohibited. Although this seems progressive, it may have two underlying presumptions a) women should be protected from cultivation, therefore, they should be allowed to lease their lands, and b) only female heads of households should have control over land, while the normal married women's control over land is subsumed under 'family'. Due to lack of education and awareness, women invariably do not have record of rights. One of the biggest limitations in matters of women getting the actual land rights is the lack of strict enforcement of law and strict monitoring of such empowerment process. For instance, the law says that if a family has more land than the ceiling set by the government, the surplus land is recorded in the name of the wife/daughter to avoid ceiling restrictions. Largely it has been observed that people accumulate more than the ceiling and put it in the name of the women member of the family though de facto ownership lies with the male members.

#### **1.6.4 Orissa Consolidation of Holding and Prevention of Fragmentation of Land Act, 1972**

This law aims at prevention of fragmentation of land and exchange of equitable land for bigger farming.

#### **1.6.5 Orissa Prevention of Land Encroachment Act, 1972 (Amended in 1982)**

This Act prohibits unauthorized encroachment of government land and settlement of 2 acres of unobjectionable land (government wasteland) with eligible (landless) beneficiaries.

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<sup>15</sup> Mearns, Robin & Saurabh Sinha, Social exclusion and land administration in Orissa, (World Bank report ), 1998



### **1.6.6 Orissa Government Land Settlement (OGLS) Rules 1983**

Under Orissa Government Land Settlement (OGLS) Rules 1983, homestead land up to 10 decimal can be allotted to persons having no homestead land in rural areas. The Orissa Prevention of Land Encroachment Act of 1972 as stated earlier prevents encroachment of Government land. By virtue of Section 7(1), landless and homesteadless person occupying Government land unauthorisedly can be settled in the same location. The state government launched a scheme namely 'Vasundhara' in 2005 in favour of rural eligible homesteadless families under this provision of law.

### **1.6.7 Forest land**

The laws related to forests are Forest Conservation Act, 1980 and Orissa Forest Act, 1972.

### **1.6.8 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006**

The Act recognises and vests in Scheduled Tribes and traditional forest dwellers - who do not have land records as proof - the land they are living on and the right to sell 'minor forest produce'. With the passage of the bill, the Scheduled Tribes living in forests and other tribals, who have been dwelling in forests for three generations, will be entitled to have the right to four hectares of land, where they can cultivate. They will have access to and ownership of minor forest produce, rights of grazing and access to traditional seasonal resources.

### **1.6.9 Schemes and provisions related to land and house building**

In connection with land distribution and women in the state of Odisha, the following actions have been identified<sup>16</sup> :

- women (widows, women-headed households and others) are to receive 40% of government wasteland, ceiling surplus land, and Bhoodan<sup>17</sup> land.

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<sup>16</sup> Circular of 29<sup>th</sup> June 2002 relates to issue of patta jointly in the name of husband and wife. The same circular also highlights that preference ought to be given to widows, unmarried women, women victims of harassment in the allotment of Government land. Another circular stipulates that 40% of land settled should be exclusively assigned to women and in the remaining it should be in joint titling. All are administrative orders.

<sup>17</sup> Bhoodan Movement was initiated by Acharya Vinoba Bhave on 18.4.1951 with the objective of minimising the difference between the haves and the have-nots. Land which was received by way of donation from benevolent land owners were distributed among the landless persons under Bhoodan Act, 1953 and Rule 1954 which was replaced by Bhoodan Act, 1970 and Rules 1972. Out of a total area of Ac.6,38,706.50 dec. of Bhoodan land received by way of donation, Ac. 5,79,984.21 dec. of land have been distributed among 1,52,852 landless person and Ac. 58,722.29 dec. Bhoodan land is yet to be distributed. (source - <http://www.orissa.gov.in/revenue/bhoodan/bhoodan.html> accessed on 29th Nov 2010)

- Joint titling of land in the name of the husband and wife<sup>18</sup>.

The state government launched a scheme namely 'Vasundhara' in 2005 in favour of rural eligible homesteadless families as mentioned earlier. Under this scheme it was decided to provide all the 2,49,334 homestead-less families (on the basis of enumeration done by the District Collectors during 2003-04) homestead land upto 10 decimals (enhanced from 4 decimal) within a period of 3 years.

Odisha Government has announced that the Government will be reversing 20 percent land to build affordable residences for the urban poor in the state. The actual reservation at present for urban poor is 10 percent. The Government says that about 42 percent of the total people in Bhubaneswar lives in slums and almost 75 percent of the residents cannot afford a house<sup>19</sup>.

Mo Jami Mo Diha campaign in 2007 and 2008 made an endeavor to verify hundred percent possession of homestead land within a stipulated time period. Land pass book scheme has also been initiated since 2005.

Regarding house building assistance, the schemes that are operational in the rural are the Indira Awas Yojana (IAY) and Mo Kudia. Shelter Security Mission in Odisha will spend Rs 15,000 crore to Rs 20,000 crore to provide low-cost affordable housing for the poor in both rural and urban areas<sup>20</sup>.

While the land related schemes and laws are under the purview of the Revenue & Disaster Management department of Government of Orissa, the house building schemes for the poor are under the Panchayati Raj department and Housing and Urban Development department.

#### **1.6.10 Orissa Rehabilitation & Resettlement Policy**

Orissa R & R Policy<sup>21</sup> stipulates that family means the person and his or her spouse, minor sons, unmarried daughters, minor brothers or unmarried sisters, father, mother and other members residing with him or her and dependent on him/her for his/her livelihood. This includes a major son/grandson irrespective of his marital status; Major unmarried daughter/sister more than 30 years of age/ major unmarried sister; Physically and mentally challenged person irrespective of age and sex (The blind/ the deaf/ the orthopedically handicapped/ mentally challenged person suffering from more than 40% permanent disability will be considered as separate family.); Minor orphan, who has lost both his/her parents; a woman divorcee or a widow.

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<sup>18</sup> Various circulars of Government of Orissa since 1989

<sup>19</sup> <http://www.futureplansnews.com/odisha-government-to-reserve-20-land-for-affordable-scheme-for-poor/>

<sup>20</sup> [http://articles.economictimes.indiatimes.com/2015-01-06/news/57747897\\_1\\_chief-minister-naveen-patnaik-cash-incentive-low-cost-houses](http://articles.economictimes.indiatimes.com/2015-01-06/news/57747897_1_chief-minister-naveen-patnaik-cash-incentive-low-cost-houses)

<sup>21</sup> Revenue & Disaster management department, Govt of Odisha

The Policy was first notified in 2006 and amendment done in 2013 to include major grandson and major unmarried daughter.

#### **1.6.11 Odisha State Policy for Girls and Women 2014**

The state of Odisha recently (in July 2014) has adopted the State policy for girls and women. The policy outlines the government's intent and vision towards the development and empowerment of women. Specifically the policy has identified key strategies action points in the focus areas of survival, health and nutrition; education; livelihood (formal and informal); asset ownership; decision making and political participation; safety, security and protection and for those girls and women with special needs. In the context of access to land, ensuring land rights and livelihood based on land, the policy outlines the following:

- Encourage and promote women farmers. Accord high priority to technical skill building in agriculture related activities for women farmers. Set up single window systems to provide comprehensive support to women farmers on crops, financial services, technology, inputs and market linkage. Promote equal participation of women in all stages of designing and implementing interventions with respect to watershed, joint forest management, marketing of minor forest produces and such others. Encourage the use of common property resources in rural areas by women groups<sup>22</sup>.

- Enable women and women's groups to claim their rights over assets, land and housing through legislations and administrative measures. Reduce stamp duty for registration of land and house purchased in a woman's name and gift deeds of immovable property executed in favour of women. Record all homestead as well as agricultural land allotments made in favour of landless, homestead less and displaced families under the existing laws, policies and programmes of the Government, in the name of the wife/woman. Ensure inheritance rights of women and reflect those inherited rights in the land records. Introduce special course on land rights of women and related laws and judicial decisions in the training curriculum of Odisha Administrative Services (OAS) and Odisha Revenue Services (ORS) officers at the entry stage. Embark on programmes for different stakeholders on land literacy including entitlements and property rights of women. Prioritise benefits to all vulnerable women including single women under housing and land ownership programmes through appropriate definitions. Allot Ac. 0.04 decimal of homestead land in rural areas to women belonging to low income group and not possessing any house/ flat or homestead land and who are either (i) widowed, unmarried, divorced or separated from husband by a decree or order of a Court or under any custom or usage having the force of law, having attained 45 years of age or more,

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<sup>22</sup> Focus area – Livelihood, Odisha State Policy for Girls and Women, Govt of Odisha, 2014,

or (ii) women with more than 40 percent disability, who have attained 30 years of age or more. Extend land lease at nominal rates in favour of women's groups for productive activities. Allot cultivable/arable Government land on temporary lease basis to women SHGs for agriculture and horticulture purposes. Engage with financial institutions to provide credit support to women and women's groups to enhance the opportunities for asset ownership<sup>23</sup>.

### **1.7 Review of literature**

#### **Access to Land in Rural India: Policy Issues and Options, Robin Mearns, World Bank Policy Research Working Paper 2123, May 1999**

The paper puts forth an overall framework for the critical assessment of alternative approaches to improve access to land by the rural poor in India, as part of a broader strategy for reducing poverty through rural growth. Viewing persistent constraints on access to land in their historical context, the paper considers India's record in implementing land reforms, and identifies the elements of new, complementary approach to improving access to land by the rural poor. This approach includes incremental reforms in public land administration that seek to reduce transaction costs in land markets, thereby facilitating land transfers, while at the same time increasing transparency and public access to information to ensure that socially excluded groups also benefit.

#### **Sarkar, R.M., Land and Forest Rights of the Tribals Today, Serials Pub, New Delhi, 2006**

Gandham Bulliya in his article on Public Policies and Legislations on Land and Forest Rights of the Tribals in Orissa: An Overview elaborates the policies and legislations in land and forest rights of the Tribes in Orissa. For the welfare and development of the tribal groups, the government initiated various development programmes. Special micro-projects have been operated for all round development of the primitive tribal groups. There is a five-fold protective regulation measure for the Scheduled Area of Orissa. Forest ecology is inevitable in the maintenance of the subsistence economy of the Orissan tribes still today. Formerly, the forests were used as the common property resources and the rights to utilize these were well-defined and well-respected by the people. In the post-independence period the property rights of the forests were vested in the Department of Forests of the Government. This situation changed the relationship of the tribals with the forests, who no longer remained the masters of the forests. It also paved the way for the entry and access of non-tribal merchants, forest contractors etc to the forests. The tribals related to forest based economy and especially

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<sup>23</sup> Focus area – Asset ownership, Odisha State Policy for Girls and Women, Govt of Odisha, 2014,

those who were the inhabitants of forest villages were rendered wage slaves. Somehow, they have been transformed into small and marginal farmers, illegal hunters and mere gatherer of forest produce. Their traditional podu (shifting) cultivation has faced complete termination because of non-availability of permission from the forest department. The application of various forest rules on the tribals, by the officers concerned put the tribals in distressed condition. In some instances, they are fined a lump sum amount and for paying, they fall in the trap of the moneylenders leading to their alienation from the land. In these circumstances the tribals find no other alternative but to cut down more trees violating the forest rules.

Orissa's largest number of mega projects has caused land alienation and displacement of the tribals from their land.

**Agarwal, Bina, Gender and Command over Property: An Economic Analysis of South Asia, 1996, Kali for Women, New Delhi.**

The monograph focuses on an issue which has historically been neglected by policy makers, activists and academics in South Asia, the links between gender inequities and command over property. It explores why in rural South Asia, where arable land is the most important form of property, any significant improvement in women's economic and social situation is tied to their having independent land rights. Though better employment opportunities can compliment but never substitute for ownership, control and access over land. However, in spite of progressive legislations with a good intent, few South Asian women own land; even few effectively control any. The author explains how a complex range of factors- social, administrative, and ideological underlie the persistent gulf between women's legal rights and their actual ownership of land, and between ownership and control; the inevitability of public action by women in order to overcome the obstacles and the aspects; a focused incorporation of these gaps in the policy initiatives of the government.

**Agarwal, Bina, A Field of One's Own: Gender and Land Rights in South Asia, Cambridge University Press, UK, 1994.**

The book explores the issue of gender and land rights in South Asia. Land has been and continues to be the most significant form of property in rural South Asia. It is a critical determinant of economic well being, social status and political power. However, there is substantial evidence that economic resources in the hands of male household members often do not benefit female members in equal degree. Therefore, independent ownership of such resources, especially land, can thus be of crucial importance in promoting the well-being and empowerment of women. The analysis by the author shows, the issue is not just one of property ownership; it

is also that of property control. Historically, even in matrilineal communities where formal ownership of property (including land) was vested in women, its effective control was often vested in men. And this scenario of women's virtual exclusion, in most regions, from control over property and from most public decision-making bodies is quite familiar today.

Economic surveys generally do not give a gender breakdown of land distribution. The ethnographic evidence examined by the author shows that despite gender-progressive legislation, in practice few South Asian women inherit landed property, and even fewer control it. In this book the author probes what underlies the vast gap between law and its implementation, and identifies a number of factors constraining women in exercising their legal claims, including patrilocal post-marital residence and village exogamy, strong opposition from male kin, the social construction of gender needs and roles, low levels of female education, and male bias and dominance in administrative, judicial, and other public decision-making bodies at all levels.

In this book, the author argues that women's struggle for their legitimate share in landed property can prove to be the most critical entry point for women's empowerment in South Asia. To argue that women's economic needs require a specific focus, distinct from those of men, is to challenge a long-standing assumption in economic theory and development policy, namely, that the household is a unit of congruent interests, among whose members the benefits of available resources are shared equitably, irrespective of gender. This assumption has until recently been shared widely by governmental and non-governmental groups, institutions and individuals. To go further and argue that women need independent rights in land- the most critical form of property in agrarian economies-is to challenge the assumption that women's economic needs can be accommodated adequately merely through employment and other income generating schemes that typify development planning. It, therefore, means admitting new contenders for a share in a scarce and highly valuable resource which determines economic well being and shapes power relations especially in the countryside. And it means extending the conflict over land that has existed largely between men, to men and women, thus bringing it into the family's innermost courtyard.

It spells out alternative scenarios and policy options that could facilitate women gaining effective rights in land and other property. Covering five countries - India, Pakistan, Bangladesh, Nepal, and Sri Lanka - in a bold sweep of comparative, interdisciplinary scholarship, the book brings to the analysis originality, rigour and complex historical, legal, socio-economic, and cultural perspectives. It draws on economic, ethnographic, historical, political, and legal sources; the author's fieldwork in north and northeast India; and extensive field visits and interviews

in all five countries. The theoretical and analytical issues addressed here have relevance much beyond South Asia.

**Land Acquisition and Dispossession: Private Coal Companies in Jharkhand, Economic and Political weekly, Feb, 11, 2012, Vol, XLVI, No.6.**

The author cites the statement of a villager in Hazaribag: "We have neither education, nor political clout. All we have is this land. If we give up our land today, then we can hope that our children become babus in these companies tomorrow".

This article presents an investigation into strategies employed by privately owned companies to gain access to land for resource extraction in Jharkhand where much of the land being put under the shovel is inalienable adivasi or tribal land and deedless common. It suggests an alternative vision, a complete overhaul of mineral ownership to allow the poor to share the reserve benefits. The author put forths that, though India had legislated the Chhotanagpur Tenancy Act (CNTA) of 1908 to make such land inalienable, then, why cannot this and other legislation such as the Panchayat's Extension to Scheduled Areas Act (PESA) prevent acquisition of tribal land for coal mining and protect their livelihood. Tribal land acquisition for captive coal mining demonstrates the violence of mining and reveals the formal and informal tactics deployed by the state and private companies to dispossess the poor.

**Gender, Space and Development: Tribal Women in Tripura, Apr16-22, 2011, Economic and Political Weekly, Vol XLVI No.18**

This article focuses on the nature and dimensions of change in the lives and status of tribal women in Tripura. The note is based on a review of the relevant literature, census data and research reports, supplemented by the extensive personal experience and observation of the authors. Tribals form a significant proportion of the population of Tripura (31.1%). Rural tribal women stand marginalized in the growing modern economy of the state. Socio-economic changes during the last few decades have introduced new gender and class issues into the purportedly egalitarian society of the tribals. Though urban tribal women have lost some of their traditional rights, the gains they have made in the spheres of education, employment or personal mobility are significant compared to rural tribal women. The researcher argues that, gender issues are manifested differently in different locations and hence one should not ignore the sociology of space while discussing such issues.

**Forest Rights Act in Andhra Pradesh .Economic and Political Weekly, April 16-22, 2011, Vol XLVI, No. 18.**



The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 has been passed by the Parliament to address the injustice done to tribal and adivasi communities and other forest dwellers. It confers legal entitlements on the lands they were cultivating for centuries. This paper looks at various issues with regard to implementation of the Act in the state of Andhra Pradesh. It investigates why the Act emerged in relation to Andhra Pradesh. It also reviews the range of forest rights deprivations and how they came about. The authors consider the likely livelihood impact of such a pro-poor institutional reform on the people of the state.

The study seeks to understand the extent to which the FRA 2006 can be considered a pro-poor institutional reform for AP- How and why did the FRA emerge in the context of the origin and extent of the underlying rights deprivation- Does implementation of the FRA actually result in meaningful and pro-poor institutional reforms at the local level?-Will the FRA lead to poverty alleviation and pro-poor growth, and if so, how?

In Andhra Pradesh the government is reluctant to go ahead with implementation of FRA in the Polavaram project submergence areas and areas allocated for other development projects to avoid future legal entitlement conflicts and payment of compensation to forest land occupants, though this is a blatant violation of the Act. Section 4(5) of the Act bars the eviction of any forest land occupant till the process of recognition of their rights has been completed. Lack of coordination and transparency at various levels, as well as the continuing dominant role of the revenue and forest departments, which have inhibited democratic FRA implementation. People's institutions like gram sabhas have been reduced to a secondary position and because of this; genuine claims have not been sufficiently heard. Certainly as an institutional reform to undo the historical injustice done to forest dwelling communities, FRA is a laudable achievement. Although this Act has good potential as a pro-poor measure, effective and transparent implementation is the key. It is here that civil society, political parties and academia need to put pressure on policymakers and ruling government. Implementation of the FRA will definitely impact the forest department people in terms of livelihood security. Transparent and honest implementation, giving scope for few errors and mistakes is the need of the day. Although it is too early to draw any definitive conclusion about the extent to which the FRA will reduce poverty, one could see that even despite a very problematic implementation process, rights to private cultivated and collective land are recognized. For people living an extremely insecure marginal existence, these are very significant.

**Gender and Green Governance: The Political Economy of Women's Presence with and Beyond Community Forestry by Bina Agarwal, New Delhi, Oxford University Press, 2010.**

The book focuses on the difference that the presence of women brings about in the governance of forests, an issue which surprisingly had not been analysed or empirically examined by the school of researchers on the management of common pool resources.

Moving beyond her earlier work, the author, on women's "participatory exclusion" (a term she coined), in forest institutions, she uses her data to rigorously test the impact of women's presence in the forest committees on their decisions and outcomes for forest conservation and equity.

The book like her earlier work "A Field of One's Own" is a landmark contribution with depth and insight. In moving from field to forest, and from private property resources to the democratic governance of common property resources, she fills two critical gaps in women's economic empowerment, one relating to command over property and the other relating to command over public resources and institutions.

**Women's Access and Rights to Land in Uttar Pradesh: Myth and Grass Root Realities in Gender discrimination in land ownership, ed Prem Chowdhury, Sage, 2009**

Saroj Arora describes that the issue of women and their land rights emerged as an important agenda for the first time during the sixth Five-year Plan. This was the outcome of the struggle led by the grass-root level organizations which have started raising the question of gender inequalities. Lack of ownership of productive resources including land was considered as one of the basic cause for the existing anomalies. And thereafter, entitlement to land by women was added up as an important component under the land reforms programme. Scholars like Bina Agarwal, Veena Mazumdar, P. Chowdhary, and Smita Tewari Jassal have strongly emphasized the need for women's ownership of the land in order to narrowing the gender gap. There is an argument of the need for individual ownership right to land as the pre-requisite for women's empowerment as they considered women's subordination was due to inequalities in the structure itself and hence, suggested to bring change in the existing social; structure that perpetuates such inequalities. This particular theory has three basic elements: welfare, efficiency, equality and empowerment. Welfare approach emphasized that land rights to women enable them to secure against poverty. Efficiency approach emphasized that it increases productivity by providing access to credit, technology, and institutional support. And finally, gender equality and empowerment approach emphasized strongly the need to change the social structure, which perpetuate gender inequality and power imbalance.

**Gender and Land Rights Revisited: Exploring New Prospects via the State, Family and Market by Bina Agarwal, Journal of Agrarian Change Volume 3 Issue 1-2 Page 184 - January 2003**

The question of women's land rights has a relatively young history in India. This paper briefly traces that history before examining why gendering the land question remains critical, and what the new possibilities are for enhancing women's land access. Potentially, women can obtain land through the State, the family and the market. The paper explores the prospects and constraints linked to each, arguing that access through the family and the market deserves particular attention, since most arable land in India is privatized. On market access, the paper makes several departures from existing discussions by focusing on the advantages, especially for poor women, of working in groups to lease in or purchase land; using government credit for land rather than merely for micro-enterprises; and collectively managing purchased or leased in land, the collectivity being constituted with other women, rather than with family members. Such group functioning is shown to have several advantages over individual or family-based farming. This approach could also help revive land reform, community cooperation and joint farming in a radically new form, one centred on poor women.

**Women, poverty and ideology in Asia: contradictory pressures, uneasy resolutions (London: Macmillan Press, 1989) Edited by Haleh Afshar and Bina Agarwal**

Poverty makes it necessary for all household members to engage in income-generating work. But prevailing ideologies and social norms may demand a rigid gender division of labor, emphasize motherhood and domesticity for women, and confine them to specific activities within circumscribed spaces. Poor women can thus be faced with conflicting choices between survival needs and social status within the community. Based on experiences from South and Southeast Asia, this book examines such possible contradictions between the economic interests of women in poor Asian households and prevailing gender ideologies and associated cultural practices. As the case studies show, women experience this conflict in greater degree in South Asian countries than in those of Southeast Asia, and resolve the conflict in different ways.

**Land Ownership and Gender Discriminatory practices: Emerging constructions of Gender in Punjab, Raj Mohini Sethi in Gender discrimination in land ownership, ed Prem Chowdhury, Sage, 2009**

In Punjab, customary rules guided the existence of agricultural communities rather than the Hindu Law in many areas of social life such as succession, adoption and wills. While recording these customs it was further observed that these customs, varied from community to

community and from one place to another and they were specific to a certain tribe, sect or even family. Though this is generally done through male lines, daughters could sometimes inherit ancestral property in preference to collaterals in the absence of male heirs, the daughter simply acted as a conduit to pass on the ancestral property to her sons and their descendants. In the absence of sons the widow would take a life interest in the landholding or the property of the husband. In case the widow remain unchaste, or remarried or eloped with someone else she had to surrender her right to that property since the rule of the agnatic kinship did not allow for the possession of land by someone outside the village or clan. In case of joint-holding a widow who succeeded to her husband's share could even seek partition.

**Need for a paradigm shift : justice and equity for women in Orissa by Asha Hans, Padmaja Mishra and Amrita Patel in Gender Discrimination in Land ownership Vol II, ed by Prem Chowdhury, Sage, 2009**

The article highlights that provisions for joint pattas for women are better than no pattas but still there are inherent flaws. Women find it difficult to gain control over the produce, to bequeath the land as they want and to claim their share in case of marital conflicts. Also joint pattas prevent women from joining with other women to farm their land. Another consideration is that the women may find it difficult to be free from abusive marriages in case of joint title over land along with the husband.

**Assessment Report on Status of Distribution and Possession of Homestead Land in Odisha, RDI, Odisha, 2010**

The report recommends that rather being a target oriented scheme, the Vasundhara scheme (allotment of 10 decimal homestead land in favour of the landless) ought to encompass various possible inter-linkages and convergence between key departments in order to secure and improve the shelter and livelihood conditions of homestead-less families that it intends to benefit. The study findings suggest that exclusive ownership to women over homestead land as well as considering unmarried daughters as one nuclear family to distribute Vasundhara land would go a long way in achieving equity for women.

**Land rights and ownership in Orissa, UNDP, 2008**

The report states that landlessness is more an efficiency issue than a resource issue: there is more land available for distribution than the number of landless. The Gram Sabha (Palli Sabha) is the competent authority to initiate the process of determining the nature and extent of forest rights of individuals or the community. The Forest Rights Committee should have one-third members from the Scheduled Tribes and not less than one-third of this will be women. In order to bring women onto the centre stage, it is further provided that where there are no

Scheduled Tribes; at least one-third of all members shall be women.

**Study on Women Land Rights Facilitation centers in Orissa, RDI, 2010 (unpublished)**

The over arching categories of women which has to be taken into consideration when discussing the issue of land are as follows:

- Women who belong to such families (natal or husband) who possess land (agriculture and /or homestead land) (these women may or may not have land entitlement in their name)
- Women who do not have any land (either in their natal family or husband's family) and thus presently donot have any kind of ownership

Women's land rights is highly dependant on their marital status - married, un married, widow, deserted, second wife (with first wife being alive). Land rights of women who are landless and poor is a different concept. These vulnerable women do not generally have any notions of land rights and seek first an allotment of land under any Government scheme. For the land less the first step is "getting" an allocation. The notions of land pertain to primarily homestead land and then the agricultural land for the poor and the land less women. The joint titling issue comes subsequent to the fact that there are a vast number of women who belong to the land less category. Besides, the above mentioned categories of women, which the field study could identify with regard to women and land rights, are interchangeable, i.e. women from a family who possess land can become landless at some point of time due to some reason or the other while women who are presently land less can also have land sometime in the future. The situation of women both these categories as well as the interchangeable nature of the categories have been investigated in the field study.

**Are we the forgotten women? - a study on the status of low income single women in India, National Forum for Single Women Rights, Rashtriya Ekal nari adhikar manch, 2011**

This report has categorized single women as Widows; Divorced women (with legal divorce papers, and also those Muslim women who are divorced by their husbands under Muslim personal law); Separated Women (women who are living separately from their husband, abandoned, deserted, thrown-out, walked out, women whose husbands have disappeared for more than 7 years, traditional divorce verdict) and Never-married women - who are "older" (above 35 years). The problems highlighted in the study are loneliness, social rejection, exploitation, subjected to caste and superstitions related ostracizations; financial duress, lack of a steady place to stay, least access to governmental social security provisions, subjected to domestic violence.

**Base paper on schemes and initiatives for girls and women of Odisha, Sansristi & UNFPA Odisha, 2013 (unpublished)**

This basepaper scans all the schemes, programmes, initiatives , circulars related to girls and women in all the administrative departments of Government of Odisha. It mentions that access to resources such as land (homestead and agriculture) is an important step in the development and empowerment of women. Though joint titling is to be adopted in all land distribution schemes, priority to vulnerable women (irrespective of marital status) is not adequately reflected in data or schemes. The Revenue Department is in charge of land distribution and it is seen that the ongoing schemes are all at the household level and vulnerable women such as single deserted women, unmarried women (above the age of 30 years), unwed mothers are not identified as potential beneficiaries. A scheme Vasundhara under which a total of 2,49,443 families have been provided with homestead land<sup>24</sup> but has no scope of land distribution or data keeping of women headed households who may have got land.

**Study on Women's rights to social protection, UN Women & ASCI Hyderabad, 2014 (unpublished)**

Field study done in Odisha, West Bengal and Andhra Pradesh amongst widows reveal that Deserted/ abandoned women face the problem of getting pension as they cannot present death certificate of their husband. However if the duration of abandonment is for a long period without any contact or information, the abandoned women is treated as a widow and is included under the pension scheme. The widows feel very insecure as any time their family members can force them to leave home. The community also does not accord the same status to single women as heads of their families as is given to male family heads.

The study suggests that Pension schemes need to be supported by livelihood programmes and there should be provision for vocational / trade specific trainings and some provision of loans. Pension schemes, particularly old age pension should be linked with medical insurance schemes.

**1.8 Organisations and movements on land issues**

Apart from the state government, several organizations have also raised the issue of women's land rights and have worked towards the actual realization of these rights.

The Landesa organization and the Rural Development Institute is working with the government

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<sup>24</sup> Information from Revenue & Disaster management Dept, Govt of Odisha

to provide direct assistance to rural women. Its Community Resource Persons (CRP) model has helped the state to provide plots to landless families in the districts of Ganjam, Gajapati and Jagatsinghpur in Odisha. The organization has also been proactive in promoting the rights of single women by designing a Women's Land Rights Facilitation Centre in the Ganjam District. This has led to the establishment of 23 Women Support Centres in the district. Not only has the program identified single, abandoned and widowed women and helped them with land, training and jobs, but it has also taken a step forward in educating the government workers and officials about the dynamics of women-headed households.

Other major organizations working towards the fulfillment of women's rights to land and property include Actionaid and UNDP. Actionaid's project in the Ganjam district focuses on identifying and defining single women that have escaped the benefits entailed in the government programs and hasn't been considered for inheritance under customary law as well. The organization is also looking into the government's schemes of providing women with pattas for homestead land, linking it to the problems faced by single women across the district.

During 1980s, rural women of Bodh Gaya waged a heroic battle under guidance of Chatra Yuva Sangharsh Vahini against Mahant of Shankar Math who had usurped 12000 acres of land. Later, public interest litigations (PIL) filed by Bhuribai and Dhagibai, tribal agricultural women workers in Dhule district of Maharashtra and by Laro Janco in Singbhum in 1985 backed by strong ground level land-struggles and movements of women invited attention of policy makers to the burning issue of land rights. But, without gender aware administration dealing with land allocation, inheritance and dispute settlement, prejudice against women persists among officers who don't allow women to benefit from land and housing rights. When it comes to women's development, there is focus on employment generation rather than ownership and control over land, shop or house.

During 1990s, Shetkari Sangathana had persuaded hundreds of families in their areas of influence in rural Maharashtra to implement joint registration of land and housing in the name of husband and wife. In 2006, MASUM, a NGO in Pune, launched a campaign for joint registration of property. Within a year, joint property registration was done for 95% of households in 80 villages of Purandhar Taluka. In 2002 Janu, a tribal woman leader of Vaynad district of Kerala has exposed patriarchal biases in the land-reforms implemented in Kerala. In Gujarat, women's organisations have formed a coalition to pressurise the state to ensure land-right for women. As land struggles accentuate, increasing number of incidents have



been reported in Maharashtra, M.P., Bihar and Jharkhand of witch-hunting of female headed households managed by widows, single, divorced and deserted women by the vested interests driven by their greed to grab their land.

Ginny Srivastava of the National Forum for Single Women's Right has been proactively championing the cause of single women for over a decade and managed to get itself heard in the corridors of the Planning Commission.

Kutch Mahila Vikas Sangathan (KMVS) is a grassroots collective of rural women in Kutch district, which covers one-quarter of the state of Gujarat. Since its inception in 1989, KMVS has heralded a movement of social change, especially for rural women. KMVS has a presence in 257 villages, and works with around 10,600 women. Civil-society groups rallied around an octogenarian follower of Gandhian ideals, Chunnibhai Vaidya, under the banner of Zameen Bachao Andolan (ZBA), meaning 'Save Land Campaign'.

### **1.9 Women and family in economic theory and legal discourse**

In very broad terms, within economic theory today two types of models of the family/household predominate. The unitary model outlined most explicitly by Gary Becker (1995, 1981) and the bargaining model. The unitary model treats the household as single entity in relation to both consumption and production. It assumes that all household resources and incomes are pooled. In recent years, virtually every assumption of the unitary model has been challenged 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.

Bargaining models (there is range of such models) use the game theoretic approach to incorporate a more complex understanding of how family decision-making occurs, variously allowing for individual differences in preferences, in budget constraints, in control over resource use, etc. They also recognize individual self-interest as a central component of intra-family interactions, although most do not explicitly address gender asymmetries, they can accommodate such asymmetries. Both gender and age can affect bargaining power. Women in relation to men (and children in relation to adults) typically have lower bargaining power. A member's bargaining power would be defined by a range of factors, in particular the strength of the person's fall-back position. For instance, a man in India in whose favour his sisters typically give up their inheritance claims, even without his asking, enjoys a considerable implicit bargaining power.

Policy makers in many countries, mirroring an unitary approach to the household, have typically directed resources to male household heads (or more generally to adult males), assuming

equitable intra household sharing of benefits, and an efficient allocation of resources and tasks. A bargaining approach suggests that the transfer of resources to some members, say men, by reducing the bargaining power of other members (say women) could increase inequalities in intra-household allocations of consumption goods. It could also cause an over-allocation of productive resources in favour of say, men, leading to lower productivity gains than if women (who might have different interests and preferences) had greater access to these resources.

Within public policy in India, perhaps the most explicit definitions of what constitutes a family are to be found in land reform legislation, especially legislations concerning the fixation of ceilings and the assessment of surplus land. These definitions have also served as the basis for land allocations in resettlement schemes. In addition, gendered notions about the family in terms of who heads it and who the dependents are implicit in many legal and other provisions, such as inheritance laws, social security schemes, judicial rulings, and so on. The examples below illustrate the formal definitions or the embedded assumptions:

- That men are the natural heads of households, and resources directed to them would be shared equitably for the welfare of all household members;
- That men are the appropriate representatives of the family in public decision-making forums;
- That men are primary producers and thus are the legitimate claimants to productive resources such as land;
- That women are largely dependents, and that this dependent status is unproblematic, even desirable; and
- That marriage is typically universal and stable;

Women's interests are thus assumed to be adequately taken care of by fathers, husbands, or sons, as the case may be. And women are expected to rely on one or other male relative for their entire lives.

### **1.9.1 Single women**

The notion of who exactly is a single woman is deeply embedded in patriarchal norms and social practice. The concept of a single women and single men being different is based on the vulnerabilities that women face in general and more so if they do not have any men with them. As elaborated earlier, the men could be fathers, brothers, sons, brothers in laws, nephews and so on and so forth. However if a woman is married and then she is either deserted,

abandoned, thrown out or divorced, her inclusion as single women in legal parlance is not clear. Also if the husband is missing and /or dead, the nomenclature of single women is used. Remaining single is more acceptable for men than it is for women. When a woman is not married, it is assumed that there is something wrong with her; she may be very difficult to get along with, she may be uncompromising, and therefore she is single. Single men and women are not allowed to participate in religious festivities and marriage celebrations because it is considered unlucky, unholy, and inauspicious. Traditionally, parents who could not find a suitable match for their daughters were ostracized and looked down on<sup>25</sup>.

According to the 2001 Census, more than 3.6 crore or 7.4 per cent women in India are single. The figure will increase if the number of "customarily" separated women and those whose husbands are missing added. Low-income single women are vulnerable and victims of the patriarchal structures that deprive them of inheritance and other rights<sup>26</sup>.

The Planning Commission has proposed special dispensation for single women, particularly those who are single by choice, under various government schemes in the 12th Five Year Plan. In addition to reserving a certain percentage of jobs for single women under centrally sponsored schemes, the plan panel has proposed promoting and strengthening federations of single women at the block and district level. The Planning Commission has proposed that schemes like the Indira Awas Yojana and the Mahatma Gandhi National Rural Employment Guarantee Scheme should earmark a percentage for single women.

Single women are generally categorised broadly under family except in the case of a widow or a legally separated woman. Attention would also be given on providing legal aid for ensuring entitlements and matrimonial rights to single women.

Many states and organizations have been proactive in ensuring the rights of the single women. The states of Andhra Pradesh, Karnataka and West Bengal have purchased homestead as well as agricultural land which have been given to women in the rural areas. Andhra Pradesh and Tamil Nadu have also undertaken land reforms pertaining to ceiling on agricultural holdings in order to correct the inequalities in the agrarian structure. In Gujarat, the Working Group on Women's Landownership, a network of 23 organizations, has been organizing women at

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<sup>25</sup> India - Status Of Single And Divorced Persons In India - Family, Women, and Woman - JRank Articles <http://family.jrank.org/pages/862/India-Status-Single-Divorced-Persons-in-India.html#ixzz3Mocdorsa>

<sup>26</sup> <http://www.thehindu.com/news/national/good-news-for-single-women-in-12th-plan/article3867569.ece>

grassroots level and raising their awareness regarding the existing legal framework and its implementation in procuring land assets for women. It is also focusing on a mindset change related to gender inequalities along with the support of media, academic institutions and researchers. The state of Uttar Pradesh has also been active as several women have claimed land share from their husbands, forcing them to change to joint ownership of the land title. While these efforts have been diffused and local in nature and much remains to be achieved, they are steps in the right direction and must be supported not only by the Central Government but also by women across the nation.

### **Single women in laws**

The following is a brief overview of where and how the single women are articulated in the legal discourse.

The Protection of Women from Domestic Violence Act (PWDVA) 2005 covers those women who are sisters, widows, mothers, single women, or living with the abuser amongst other aggrieved women.

The adoption laws have identified single men and women. The Hindu Adoption and Maintenance Act, 1956 (HAMA) specifies that Married couples or single adults can adopt; A single man or woman can adopt; A single man adopting a girl should be at least 21 years older than the child; A single woman adopting a boy should be at least 21 years older than the child Guardians and Wards Act, 1890 (GWA) states that Single people can adopt without any age difference restrictions.

Juvenile Justice (Care and Protection) Act of 2000, amended in 2006 (JJ Act) states that Single people can adopt.

The NSSO stipulates that when a person sleeps in one place (say, in a shop or in a room in another house because of space shortage) but usually takes food with his or her family, he or she should be treated not as a single member household but as a member of the household in which other members of his or her family stay<sup>27</sup>.

Woman head of a household<sup>28</sup>: The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration

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<sup>27</sup> [mospi.nic.in/Mospi\\_New/upload/nssso/concepts\\_61R.pdf](http://mospi.nic.in/Mospi_New/upload/nssso/concepts_61R.pdf)( Major Concepts and Definitions: NSS 61<sup>st</sup> Round)

<sup>28</sup> The National Food Security Act 2013, Chapter VI and Schedule III

cards. Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member. The Food Security Act also states that adequate pensions for senior citizens, persons with disability and single women be given for advancing food security.

### **1.10 Overall issues**

In the context of land rights of women, many cultural factors influence the ownership of land by women. Foremost amongst the cultural factors is the practice of giving dowry at the time of the daughter's marriage by families to the bridegroom's families. The dowry is often cash, jewellery and other assets like vehicles which may have been bought by selling the land of the household. Also women move from one location to another (to another village) subsequent to marriage (i.e. from the natal home to the home of the in-laws) which prevents them from owning or cultivating land. The access to land is normally patrilineal through the son of the family. As the cultural norm of daughter being given away in marriage is practiced with the adult son staying in the family, inheritance passes from father to son. There is also an associated strong son preference in the families for this reason which subjugates the position of women and is also a reflection of the subordinate position of women. The issues of the low literacy level of women and low access to information and knowledge restricts the land rights of women particularly in the poor rural households. On the other hand for educated women belonging to urban areas, the cultural factors are overbearing and the social pressure is on to limit women's land rights.

The wide variation on the problems and needs of women belonging to the different sections and categories is also to be recognized. Women are not a homogeneous group and their issues, needs etc depend on their marital status, class, caste, religion, disability, age. For e.g., unmarried disabled women are most likely to be disinherited while an old woman is likely to be without any social or family support and may be also without a roof over her head. Land rights for these different categories of women have different meanings, significance and importance.

Acquisition of land by women in general can be categorized through the means of purchase, inheritance and coverage under land distribution. While individual women titling and ownership by women happens in case of inheritance by women and purchase of land by women, joint titling is the approach in government land distribution.

## Section 2:

### Women and land rights: illusions and reality check





## Section 2:

# Women and land rights: illusions and reality check

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### 2.1 Background of the field study

The Odisha State Cabinet has approved the State Policy on girls and women in July 2014. The focus areas of the said policy include survival, health and nutrition; education; women in formal sector; women in informal sector; asset ownership; political participation, representation and decision making; safety, security and protection; and girls and women with special needs. Under the section girls and women with special needs the policy has talked of widows, HIV/AIDS affected women, sex workers and so on. Specifically under the section on asset ownership, there is a policy action point as "Prioritise benefits to all vulnerable women including single women under housing and land ownership programmes through appropriate definitions"<sup>29</sup>.

There is a need to understand and identify the vulnerabilities of single women. The patriarchal norms along with social conditioning affect women who are single by choice or by compulsion. There is a definite gendered aspect of marginalisation, invisibility and non recognition of single women. In its recent work on single women in Ganjam district, Action Aid found that the government approved the application of only 5000 single women and rejected the eligibility of rest 25000 single women who had submitted their application for issue of land. Thus in the context of the policy for girls and women, it is essential to talk of single women as a special entity with proper definition/categorisation.

Action Aid Bhubaneswar Regional Office proposed to develop a policy paper on single women that would spell out different categories under which single women can be identified and linked to different entitlements. This policy paper would be developed by conducting a study

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<sup>29</sup> Odisha State Policy for Girls and Women , 2014, pp 13



on the status of single women who had been identified in Ganjam district of Odisha for linking to land entitlements.

#### **Broad Objective**

- To influence the government to include single women as a special category in the state policy for women and girls so as to spell out clear guidelines for addressing their vulnerabilities.

#### **Short term objectives:**

- To do the situation analysis of the status of the single women including their experiences of violence and violation of their rights, their use of relevant laws and policies in seeking justice; responses by the judiciary and state to single women's claims for justice; their participation in decision making bodies (state institutions or community led institutions) and their claim over means of production.
- To identify different categories under which single women can be defined.
- To spell out strategies to address the issues of single women through different programs of women and child development and other line departments with special attention to single women from the most marginalized sections e.g. HIV+, aged sex workers, women with disability

#### **Activities**

Field work has been done in the 11 Tahasils of the district of Ganjam during the period of October - December 2014.

Focused group discussion at field level: Focused group discussions (FGD) were held with those women whose application has been rejected and with those women whose application has been accepted. Their status and their views has been documented that would help in understanding their issues and developing a broader definition of single women.

Collection of case studies: Case studies of single women from different categories have been collected and documented to substantiate the theory of single women.

Key informant interviews (KII) at village, district and state level: Key informants at the village/ GP level such as Sarpanch, AWW, Community leaders have been interviewed during the course of the study. At district and state level, revenue officials, researchers, women's organization workers have been taken as key informants for getting inputs for the study.

Interface with revenue officials: Interface was organised with the revenue officials of Ganjam district level who were involved in the process of finalising the list of single women for linking to land entitlement. Objective of organising this interface was to understand the perception/ views of government based on which it has considered or rejected the application of single women for linking to land entitlements.

This section captures the field work done in the study area in terms of the Focus Group Discussions done, case studies collected and Key informant interviews done as well as the interaction done with district level revenue officials.

### Methodology

Sl no	FGD with
1	Women Received Patta
2	Women Action Group
3	Applied but rejected
4	Women have received Patta & Rs. 3 Lakhs
5	General Women
6	Received Patta but no Physical Possession
7	Adolescent Girls
8	Only Men
9	General Women

Sl No	Category of Case Study
1	Woman who has got patta
2	Woman who has got patta and also house building assistance
3	Woman deserted by husband and presently living with parents
4	Young Widow ( Around 30 years)
5	Unmarried Women above the age of 30 years
6	Unmarried Women living alone
7	Presently married but is the second wife and deserted
8	Widow with disabled children and presently land less
9	Disable married landless
10	Disable unmarried landless
11	Disabled (married/ in married ) who got patta
12	Women who has got patta and without physical possession
13	Old Widow Women getting Old Age Pension but land less
cross cutting	Various Social Group ( marginalised community)
	belonging to Minority Group
	originally from other states such as Andhra Pradesh

<b>Village level Key informants</b> <b>RI</b>	<b>District level Key informants</b> <b>District Magistrate</b>	<b>State level key informants</b> <b>Officials from Women &amp;</b>
PRI member- male & women PEO AWW WSHG member Women Action Group member Community leader/ teacher Mothers committee member/ any other village level committee member (woman)	ADM Revenue District Social Welfare Officer NGO/ women's organisation	Child Development Department, Govt of Orissa Officials from Revenue & Disaster Management Department, Govt of Orissa Officials from Panchayati Raj State Commission for Women Women's organisation Academician/ Researcher

#### **Field study area and the activities undertaken**

<b>Sl. No.</b>	<b>Tahasil</b>	<b>Village</b>	<b>FGD with</b>	<b>Case Study</b>	<b>KII</b>
1	Chhatrapur	Ramayepalli	Women have received Patta & 3 Lakhs house building assistance	Young widow who has got land patta and house building assistance of Rs 3 lakhs	PRI(W)
2	Konisi	Haradanga	General Women	Widow who has got land patta	WSHG Member
3	Chikiti	Dankal Padu	Women have received Patta & 3 Lakhs	Presently a widow (second wife), landless	community Leader
4	Patrapur	Koli Hala	Male members who have Received Patta but no Physical Possession	SC woman, deserted by husband, identified as beneficiary for land but not yet received patta	Village leader with beneficiary (daughter)

Sl. No.	Tahasil	Village	FGD with	Case Study	KII
5	Kukuda khandi	Bandha Guda	Tribal women	Tribal woman, patta given for the land where she was residing	AWW
6	Digapahandi	Damodarpur	General Men	Unmarried with physical disability	Ex PRI (M)
7	Sanakhe mundi	Hatpada	General Women	Migrant woman since 2 generations, landless and children in orphanage	Ex ward member
8	Buguda	Karsingh	Women who have Received Patta but not in possession	Young widow, has received patta, but not in possession	RI
9	J Prasad	Kushapalli	Women Action Group members	Widow from upper caste, above 60 years and has land	President of WAG
10	Belaguntha	Kokalunda	Women who have Applied but application rejected	Landless, deserted by husband	AWW
11	Dharakote	Mundamarei	Women who have received patta but not interested to go	Widow, has received patta but not taken possession	PRI member

The details guidelines of Case study documentation, Focus Group Discussion, Key informant interviews, FGD participants list and list of key informants at district and state level are placed at Annexures A, B, C and D.

## 2.2. Field findings

### 2.2.1 Overall observations

Land and Patta Distribution to the single women have been speeded up at Ramiyapally village in Chamakhandi GP of Chhatrapur Block. All the beneficiary women have got Patta as well as

going to avail houses very soon as the Rs 3 lakh financial assistance is being given to them on priority basis. The scheme exhibits visibility and beneficiaries are happy now. But there exist a lot of land disputes at some places like Karasingh of Buguda Tahasil, which had provoked law and order once at this place, thereby jeopardizing the scheme all together. Government officials should take utmost care and caution while identifying land that is to be distributed to the poor and single women in the district.

The scheme is very successful, where some of the community leaders are very much proactive. For instance the land / Patta distribution and house allocation has been accelerated at Dankalpadu in Chikiti Tahasil of Ganjam. This has been possible due to one community leader Mr. U. Krishna Reddy, who is the MLA's representative at Chikiti. He has taken up this land/patta and house construction work seriously and supervises the progress. This is a very good example of the scheme yielding result.

Sufficient grievance redressal mechanism has not been taken up by Govt officials at many places, when problems are faced by beneficiaries as well as by Revenue officials. For example nobody has been sincerely trying to negotiate with the person, who has lands encircling to the land that is to be distributed to the beneficiaries at Kolihala village in Patrapur Block. Due to this stalemate, not a single beneficiary of this village has been able to get land and patta till date.

Apart from these above bottlenecks, there are few other observations that have come up during the field work. These are:-

- Odisha State Disaster Mitigation Authority (OSDMA) Format used for enumeration of beneficiary for construction of house under the Odisha Disaster Recovery Project (ODRP) is not exhaustive and it lacks conceptual clarity to identify single women. This has not been correctly understood by the surveyors at the field / village level also. OSDMA in its office order of 26.12.2013 has mentioned that preference would be given to women headed households; physically/mentally challenged persons with at least 40% disability; Socially excluded and tribal households; Below Poverty Line families and Senior citizen headed households, the beneficiary selection format does not capture the above categories. Thus it is apparent that these preference groups would not have been identified at all and thus bypassed in allocation of house reconstruction/ reallocation/ relocation.
- It appears that while survey; there has been lot of discrepancies in the selection of beneficiaries. It is like just writing the name of many people for an Indira Awas

Yojana (IAY) house, which are usually deleted / cut by Sarpanch and other Panchayat officials at a later stage. This system is usually adopted by Sarpanch and other Panchayat officials only to give a psychological satisfaction to the person who demands an IAY house. Therefore, survey process needs more strategy to handle the situation at grassroots level.

- Revenue Inspectors have revealed that they are pressurized to give list of beneficiaries at a very short period even within 4 to 5 days. For that, they become too hasty to identify / select beneficiaries admitting that there may be some omission and commission due to hasty work.
- Assigning the job of collecting application and making survey only by the AWW, it appears to be the only option taken. Other important stakeholders like PRI leaders, CBO leaders and CSO members are not consulted in the process.
- Proper co-ordination between Tahasildar, RI, Beneficiary, PRIs and Civil Society Organisations should be there.
- Women Support Centre should be equipped with more staffs and should be more active.
- Possession to the allocated land need to be litigation free.
- Mindset of beneficiaries should be addressed properly.
- Women Action Group should be formed to facilitate this process.
- It appears that the criteria for identification and defining single women has not been clearly spelt out, as a result many concerned officials do not know about selecting single women. This has resulted in exclusion of many single women at many villages across all the 11 tahasils that have been studied during the survey.

## **2.2.2 Tahasil wise field work detailed descriptions and analysis**

### **FGD at Rameyapalli of Chhatrapur Tahasil**

At Rameyapalli in Chamakhandi GP of Chhatrapur Tahasil, 19 women members participated in the Focused Group Discussion (FGD). Typically all the participating women in this FGD were widows except one. All had received land patta and very soon they were going to get houses at their land. They were all given Rupees Three Lakhs for construction of a house. But they were little unhappy, as the land and house they are going to get is at a distance of about 5 kilometers from Rameyyapalli; their current place of dwelling. The idea of relocation and shifting was something that they were not comfortable with.

The women were involved in plucking KEWDA flower during monsoon season, which usually



provides them some income. They cannot do this once they shift to the new place/location. Most of the FGD participants expressed their apprehensions during the meeting. P. Bharati, a young widow said that it will be difficult on her part to go for wage earning as a labourer by walking 5-7 kilometers everyday once she shifts to the new place. So also this situation will happen in case of other women, who will also face same problem.

Despite all these hurdles and difficulties, the widows of this village were happy for the fact that at least they have a place now to stay and that too with their ownership right over this land and house. Getting 'Patta' in their name has brought in lot of gratification, and self esteem in the village.

### **Key Learning**

While providing land to the single women, all possible favourable dimensions/features need to be taken care of viz. the allocated land should not be at a far away place from the original village. After shifting to the new land the beneficiaries may face lot of difficulties like marketing, community interface, wage labour work etc. The new settlement place should be provided with water facilities, good approach road and light facilities which are very essential for life activities.

### **Case Study of P.Bharati, Village Rameyapalli, GP: Chamakhandi, Chhatrapur Tahasil**

A young woman namely P Bharati who is only 23 years old, got married at the age of 15 years and her husband died 2 years back due to jaundice. He was a habitual drinker and that was the reason why he was affected with liver problems. When her husband died, she was left helpless with 2 daughters. The smaller one was 1 year old when her husband died. Now her elder daughter is 5 years old and younger daughter is 3 years







only. She is staying in her husband's small Jhatimati (Mud hut) house.

Her miseries are limitless. She is working as a labour in the agricultural as well as in non agricultural sector. She is striving day and night to feed herself and her 2 kids. She is facing these challenges with all fortitude. Some of the villagers are helping her too. Even at the time of our village visit she was seen working at someone's house and

engaged in construction work. She has got a piece of land and patta and going to avail Rupees Three Lakhs for a house under the Disaster Recovery project. With all her pains and penury, she is happy for the fact that now she will be able to put her head under a roof with her children instead of the mud hut house, where she is living now.

### **Key learning**

For a young widow, owning a piece of land and house is of immense social and economic security. However a regular source of livelihood is equally important and women particularly vulnerable women need steady source of income.

### **KII with N. Vijayalaxmi, Sarpanch, Chamakhandi GP, Chhatrapur Tahasil**

She is simple but sensitive. She wants to do more for the poor. She could answer all the questions that were put to her. She is N. Vijayalaxmi, aged 35, married and belongs to general caste and economically sound. Her husband is active and a Govt. service holder. He helps and assists Vijayalaxmi in her panchayat work.

Right from 2012, she has been working as Sarpanch. She is happy with her assignment. But she is incapable to provide and solve many problems that the poor families are facing.

Land problem, unemployment, sanitation, family disturbances are the major problems in our area, she said. Migration of the people in this area has decreased due to Tata Plant. "Most of the time I support the poor people as my own, because GP has no money of its own. My husband assists me and do not object. But it is not the solution." Govt has provided land patta to landless and 3 lakhs for house construction. This project is going on in Rameyapalli, which is nearer to sea coast. Action Aid staff are facilitating this project. But more land is needed to settle all the landless issue.

Many single women like divorced, widow, unmarried, deserted, disabled have received patta. Also many single women have not received. Tahasil should do another survey for this.

Joint title is most important in land case. It will help women in many ways. Till now many single women has not received patta. "I personally can provide a little amount of money to a needy person. But Govt should take some self employment schemes by which, unemployment crisis can be solved. Due to Tata Project, some employment facility has been generated here. It is beyond the panchayat purview, to provide job, land or any mega help to the poor", she said.

### **Key learning**

The role of the panchayats is very limited even though there may be enthusiastic elected representatives who want to work for the area. Women leadership within the PRI system has been given little attention but instances of such women being involved for women's issues are evident. Land rights issues are not handled by the PRI members.

### **FGD at Haradanga of Rangeilunda Block, Kanisi Tahasil**

A Focused Group Discussion was organised at Haradang village in Biswanathpur Grampanchayat of Rangilunda Block under Kanisi Tahsil. This is a multi caste village with 180 households. Majority belong to Telegu speaking Reddy caste, while there are 4 barbers households, 6 Maharana (Carpenters) and 12 Gola household i.e. Cowherd caste. The rest 160 households are "Reddy caste" people who are small and marginal farmers with small agricultural lands with them and they do cultivation in a small scale.

Due to small land holdings, production is much less here. Whatever paddy is produced by the households, that is not sufficient for the whole year consumption. There is no opportunity for



wage earning. Small land holding is a major deterrent factor for employment creation in agricultural sector. Therefore out migration is rampant from this village. As revealed around 40% of village youth go to work in many city centres of India, particularly Southern cities like Hyderabad, Chennai, Goa and Bengaluru. However Kewda flower collection provides income to few in this village. Although there exist 6 Women Self Help Groups, they are not so active.

Basanti Moharana, secretary of SHG- federation says that in each SHG, there are 15 women members and they are engaged in Kewda flower business which is purely seasonal. They do not discuss about land or Patta matters during their SHG meetings. There are many single women in the village, but all have not received land and Patta from the government. Only 20 women have got "Patta". However some of them have not taken possession of their allocated lands. There are many more eligible single women who should get land. One of the major social evil which is in practice and which affects the women is dowry. Dowry exchange is the norm and for that reason, many women from poor household have not been married off.

Although the participating women immediately failed to figure out the exact figure of women who are divorced, never married, disabled or widow, they viewed that there are some more left out women from such categories who need to be selected for getting land. Another survey should be made to include the poor single women of the village opined all the FGD participating women.

### **Key learning**



Lack of livelihood at local level is a major issue. While the young boys and men migrate, the women are left behind and more so the vulnerable women such as the widows, un married, disabled etc. They are left out from the ongoing land distribution schemes. The Women Self Help Groups are limited in its activities and as such it is not involved in any land rights issues.

### **Case study of Jyoti Paramma, Hardanga, Kanisi Tahsil**

This is one of the sordid cases of Jyoti Paramma, a widow of 40 years whose husband died 10 years back. Her husband Mr. J. Somanath died when she was 30 years old and having 4 children at that time. She had got married to J. Somanath when she was only 16 years of age. She has four sons namely J. Ganesh, (22), J. Diku, (20), J. Bhaskar (17) and J. Tanka (15). She belongs to Telugu Reddy community. Having no agricultural land to cultivate, she has been working as a labourer all these years for her livelihood. She had to face lot of hardships to rear all her children for the last 10 years. But now her elder son J Ganesh and second son J. Dilu are working at Tamilnadu and remitting some money by which she and 2 of younger sons are able

to thrive. During interface with Jyoti Paramma, she said that only few months back her elder son J. Ganesh gave her Rupees fifteen thousands (the month she was unable to tell, but when insisted she recalled and said probably 4.5 months before.). The entire household expenditure is continuing with this money monthly. Jyoti Paramma is weak and her health condition is not so good, but she is still going to work as a labour in the village as her two younger sons J. Bhaskar (17) and J. Tanka (15) are going to school. She is compelled to work to meet the increasing expenses of schooling as well as take care of the food expenses. She is incurring expenses to purchase rice, fuel wood, vegetables and medicines whose price is spiraling day by day. In the ever increasing cost of food and medicines all her income is spent. She is not eligible to get One Rupee per kg Rice, as she does not have a BPL card and she is not included in this subsidy Rice Scheme.

Despite all odds and despite the penury of survival, she is at least happy with the Patta, She has got. Patta for 0.23 Decimal of land (plot No: 1915/4525, Khata No1219/546) which she exhibited with smiles in her face. She expects she will have a house over this land someday in future if Govt support is provided to her. She alone cannot build a house. Therefore Govt. should help her in this matter.



#### **Key learning**

Old women particularly widows have to struggle for survival. When they are not covered under any health insurance or any social security provisions, having a patta assumes significance but without linkage to

house building assistance, it does not have any meaning.

### **KII with G. Ajarmu, WSHG President, Haradang, Kanisi Tahsil**

Her name is G. Ajarmu. She resides in village Haradang, which comes under Rengeilunda Block. She is the president of a SHG named Maa Annapurna SHG. Ajarmu speaks Telugu language. She is unable to speak Odia. But she understands Odia language. Even though she is the president of a SHG, she could not provide information on some matters relating to the SHG.



She is 45 years old, married and a wage labourer. She is poor but has not received patta. As she said women are still neglected in many ways. "We have no more land to give to our sons. So it is not possible to provide some land to our daughters. When we are going for any wage labour work, we are doing better, but we are getting less wages than men. It is injustice. But we do not react because they will not call us again," she said.

Single women are facing terrible problems. They are exploited in their house. Land in her name will be a great support. During her old age, this land will help her. "In our SHG meeting we do not discuss this type of topics because we all are illiterates. We have no knowledge regarding official matters. Govt is providing land and building, it is good. But there is no proper identification of poor women by the officials who are responsible for such identification."

### **Key learning**

The capacity of Women Self Help Group members is extremely limited. Even though they have been involved as members since a long time, their knowledge is poor as the functional literacy level is low. Matters of land is felt to be too complicated to be understood by the women and is best left to govt officials who in turn do not include each and every vulnerable women. Thus the grass root reality check is not captured by the revenue officials.

### **FGD at Dankalpadu of Chikiti Tahasil**

In the FGD at Dankalpadu village under Eksingh Gram panchayat of Chikiti Block there were 13 women participants. Women members present said that 35 women have got homestead land and "Patta" although there are also other single women. They are poor and landless and they should also get land/Patta. Women who participated at the FGD have said that in the entire Ganjam District and in Chikiti area "Giving Dowry" during marriage is a big problem today. Since parents give dowry to their daughters they don't prefer to give them any land. It has become a tradition since long that daughters will not get any land. Therefore having "Patta" in their name is not possible as per conventional practice. But now 35 women of this village have got Patta and also they will get a house. They are happy. In this village migration is heavy, wage income is low and people are engaged in marginal agriculture and forest produce collection. "Forest Collection" means Kewda-flower collection which is seasonal. Kewda-flower gatherers donot usually get an appropriate price for their collection.

From this FGD it was revealed that in a village of 150 households; 50 households are having BPL status. The village being situated close to the sea-shore, many poor households had suffered huge losses during 1999 super cyclone, when their thatched house roofs were blown-away.



Many people became homeless at that time. In Oct 2013, when the cyclone Phailin hit, it has also damaged many houses that added to the miseries of the people.

A total of 55 women had applied for land but 20 women have been excluded from the scheme. Villagers do not understand why these 20 women are not given land and patta and the reasons for their exclusion.

Reddy Community is dominant in this village. Out of the 150 households, 120 households belong to Reddy Community,

who speak Telugu. They are a farming community. They have very low land holding and production of paddy is less due to sand and salinity in the fields. This low productivity has pushed many households to be poor and marginalized.

Abject poverty due to lack of wage earning opportunity and successive disasters have urged many people of this village for migration in search of work and income. 50% of the village youth, have migrated to cities like Hyderabad, Chennai, Bengaluru & Mumbai.

Despite all these adverse and critical confrontations with nature and limited local livelihood options, people of this village are happy that at least 35 poor women have not only availed land and Patta but they have also received 3 Lakhs for construction of a house with all amenities like water, electricity and toilets.

In this village Mr. U Krishna Reddy, an active Social-worker has been appointed as Minister's Representative who is very pro-active in every respect. Smt. Usha Devi, Honbl'e Minister of Women & Child Development, Govt. of Odisha, belongs to Chikiti and she has preferred U. Krishna Reddy as her representative in Chikiti constituency. Because of this status Mr. U. Krishna Reddy has better access with Govt. officials at the district level including the Revenue-Department officials. U. Krishna Reddy is a good social worker and community has lot of confidence in him. He also has excellent relationship with all sections of people at Dankalpadu village. Because of his special interest and action, not only 35 women have received Patta for the land, they are now going to get houses that are almost complete in construction. Mr. U.

Krishna Reddy's catalytic-role has been instrumental in bringing success to the scheme in Dankalpadu village of Chikiti Tahasil.

### **Key learning**

The disaster prone areas have special vulnerabilities of repeated loss of homes and livelihood. The losses due to disasters in the coastal regions have a gendered impact as the men are able to cope up better as they have mobility options while for the women it is rather difficult. The role played by local social mobilization activists even though they have political affiliation is a vital one. Such persons are able to facilitate the provisions to reach the eligible persons.

### **Case study of U.Ankamma , Donkalpadu, Chikiti Tahasil**

U. Ankamma, aged 35 years is the second wife of her husband U. Shankar, who died 3 years ago. U. Shankar was working as a labour when he was alive. U. Ankamma is working as a labour in both agriculture as well as non-agricultural sectors to manage her livelihood. She is getting one hundred rupees maximum while working as an agricultural labour and rupees one hundred twenty when working as a non agricultural labour. She has a son named Rajendra Prasad, who is 7 years old. Rajendra Prasad is studying now in class-2. U. Ankamma is staying at her mother's house. Her old mother B. Allamma is extremely poor and an aged women of 65 years. She can't work because of old age. Neither U. Ankamma nor her mother B. Allamma own any agricultural land. Therefore, they are purchasing rice from the open market from grocery shops. U. Ankamma has not received 'land / patta' although she had applied for it. U. Ankamma says, she may not get any land since U. Shankar's first wife is alive. U. Ankamma expresses her "despair" about getting land as well as about her livelihood here at Donkalpadu village. Even she is planning to go to Chennai to work there as a labour for her sustenance as she is not getting work here in the village. For that matter U. Ankamma had tried to go to Chennai many times. But the villagers have restrained her and helped her in someway. Many villagers are sympathizing with her pitiable condition. They are giving her support as and when necessary. U. Ankamma says that due to the support of the village people, she has been able to thrive till today. She is having lot of grievances regarding the provision of land scheme. She says that as per Govt policy, she is eligible to get land, as she is a single woman and living with absolute poverty. Even she does not have a BPL card for which she has to spend all of her earning in purchasing rice for 2 heads. Despite all her agony and grievances, she is still hopeful to get some land and social security in future.



### **Key learning**

The vulnerabilities of the women who are the so called second wife are extremely critical. In legal and administrative parlance, in the absence of any marriage being registered, the condition of the second wife in the event of the death of the man is to be treated judiciously. In land matters and any social security provisions, the inclusion of such women is a must.

### **KII with Mr. U Krishna Reddy, Local Leader, Dankelpadu, Chikiti Tahasil**

Mr. U Krishna Reddy, is pioneering all socio-political activities at Dankelpadu, which comes under Chikiti Block. He is happy with his community and therefore provides leadership. He is now the area representative of Minister Usha Devi who is MLA of Chikiti.

U. Krishna Reddy is 45 years old and in 1997 and 2002, he was elected as a Panchayat Samiti member. His acceptability in the community is well established and now he has taken a great role in land distribution and construction at Dankelpadu Village.

To distribute some land among poor and single women, it was found that there was no suitable Govt. land as most of the Govt. land, near by the village, was encroached. So finally he discussed among encroachers and beneficiaries regarding this matter and convinced the encroachers to leave the land taking some financial help from the beneficiary. The ideal settlement between encroacher and beneficiaries was possible due to intervention of Mr. U. Krishna Reddy.

This village is situated in the seashore. During Phailin cyclone in 2013, this village was severely affected. Now a new colony has been constructed. Mr. Reddy is coordinating the construction work. Govt. officials are happy for his co-operation. Now construction of 38 buildings has been completed with latrine and bathroom. Water facility will be provided to all. This is an example of work being completed on time.

Single women have to receive these houses. Still some poor women are there. Mr. Reddy is playing a key role to organise everything.

Land distribution and constructions allocation was not taking into account the single women. Thus many single women are left out. For eg U. Ankamma who is a deserving candidate.

### **Key learning**

The role of local leader is significant in solving local land matters. Just allocation of land in favour of women is not sufficient as the land may be in the hands of encroachers. Thus getting possession is vital along with linkage to house building assistance. The inclusion of single women is not comprehensive in the absence of clear guidelines and official circulars.

### **FGD at Kolihala of Patrapur Tahasil**

At the Focused Group Discussions at Kolihala village under Kharianipada Gram Panchayat of Patrapur Block; 20 male members were present. The village Ward member (PRI member) Sri Sisir Pradhan was present during this FGD.

All the members present in the meeting informed that although 18 women have been selected to get land, they have not been able to get the possession of the land. There is no road to the land, which has been identified by the Revenue inspector and Tahasildar to be given to the women. One influential person of this village has his land encircling the land identified to be given to single women. Members present at this Focused Group Discussion have said that the person has not yet been approached by any body for his cooperation as a road needs be made to the earmarked land. He may spare his land for the women who will be resettled. Participants said that the person, who is having land that encircles the earmarked land, is not cooperative. But here question arises; did anybody approach him in this respect? Does he expect compensation? If yes? Who is going to negotiate with him? Like this many questions were discussed. Village leaders like Sisir Pradhan who is also the Ward Member is hesitant to negotiate with the land owner. They are of the view that the RI or Addl. Tahasildar should do the necessary negotiations. People present in the FGD meeting said that presuming disputes in the land matters, neither the RI nor the Tahasildar have taken up the issue. Even they are not visiting the spot (the land) nor coming to the village to address to this situation. Since the beneficiaries are poor women, they are unable to go to Tahasildar office and put forth their grievances / problems. Many participants said that it is the Government officials who should start the negotiation/talking with the land owner. It is not proper that any community member or community leader or would be beneficiary women start discussing about the matter with the concerned person. When question was asked why such a land has been identified in the first place which has no approach road to it, it was revealed that it is close to the village and there is no land nearby. Whatever fallow land is available it will be at a distant place. The women are hesitant to move to distant area if they are given homestead land.

Relocation to a new place is creating community conflict between the beneficiaries and others. If anybody of the village will discuss about land matters and will suggest something, the women start confrontation and quarrel with the person who will suggest them to move out. Because the women are staying within the community they are getting lot of support from their neighbours and on relocation to a new place are apprehended to be unfavourable and these women will feel isolated away from the mainstream.

## Key learning

Land allocation by itself is not sufficient if it not free from encroachments. For the poor vulnerable women who are given patta, it is of no value if they cannot occupy the land due to encroachment, non availability of approach road etc. For the women, the involvement of community becomes a critical input for successful resolution of any conflicts. Effective ownership on land by women is thus dependent on many external factors.

### Case study of Pandei Behera, village Kolihala, Patrapur Tahasil

This is a case of despair of Pandei Behera, a Scheduled caste woman, whose husband Sri Bijaya Behera has deserted her 20 years back. Pandei Behera recalls that some 20 years back her husband Bijaya told her that 'he is going to some city for work', but he never returned back. She has been waiting for the last 20 years with utmost patience for the return of Bijaya Behera. Under such circumstances, with a heavy heart, she has been passing her days and struggling with destiny for her survival. Her only son Simanchal, now 20 years, has gone to Bangalore to work only recently and has not sent any money. Pandei Behera used to work as a labour. She gets a meagre daily wage of Rs 70/- to Rs. 80/- only. Add to her misery she does not have a BPL card. Therefore she is devoid of getting subsidized rice @ Rs.1/-per kg. All her earnings are being spent on food. She is not getting regular wage which doubles her adversity. She has a



Jhati mati (Mud-hut) house to live. She is not certain whether she will get some land, although she has been identified as a beneficiary. Till date nobody of her village has got land & patta.

She has heard that some dispute prevails over the land and there is no approach road to the proposed land that has been earmarked to be given to her. She is illiterate, poor and voiceless. She expects all the 18 women who have been

selected to get land / patta will be united and act together. But this is not happening. Like her all other women are also illiterates, poor and don't have the knowledge or confidence to discuss with officers like RI and Tahasildar. They expect some village leaders should help them to find out a solution. She had also heard that in other areas of Ganjam, women have by now got patta and land. But here they are unable to get land. She is aware about the fact that the RI had come to this village two times but he was unable to solve this issue and returned back. She says "getting land/ patta in her favour is at a distant Horizon". She is doubtful whether she will be able to get land in the next few months.

### **Key learning**

In case of conflicts or issue relating to possession of land, there is need for some action and somebody should negotiate to break the stalemate. The women could also come together to air their grievances and find a solution. Featuring as a beneficiary in land distribution and actually possessing land seem to be quite wide apart in practice and more so for women.

### **KII with Shri Sisir Pradhan, Village Leader, at Kolihala, Patrapur Tahasil**

Key Informant Shri Sisir Pradhan, aged about 60, is one of the village leaders of Kolihala. He knows everything regarding the land status of the village. 18 landless single women already have been selected to whom land will be given. RI & Tahasildar have visited the village. Land has been identified. But due to some reason, the process has been blocked.

The initiative of Action Aid staff, keen interest of Tahasildar is not enough to complete the process. Even though he is the leader of the village, one of his own daughters is coming under single women category. Since he is one of the beneficiary families, he is unable to force the villagers' committee to include his daughter.

The case of land identification and distribution in the village Kolihala is little bit different from other villages. First of all there is no more Govt land around the village to be distributed among the landless women. Another one thing is that the villagers have encroached the Govt. land. Pallisabha or leaders of the village are not taking adequate initiative to settle this problem. Pradhan says that beneficiaries should take keen interest to convince the villagers and leaders. Most of the encroachers will not be interested to leave the land. So proper counseling is required. Who will play this role is another factor to solve this problem. "The concept of single women, vision to assist them and Rights of single women as the citizens of the state has not been popularised. Land issue is one of the most sensitive issue in Ganjam District. It needs proper willpower of community and administration. Appropriate advocacy is required in all

the stages to settle this problem. Continuous effort and priority on this problem is required absolutely."

Kolihala village needs more care and proper intervention to solve this problem. Otherwise 18 landless single women will be deprived to get the land. Action Aid volunteers and someone villagers should carryout continuous advocacy process to solve the problem.

### **Key learning**

The divide between Theory to practice is visible and there is no concerted effort to address the practical problems so that the land allottees are able to actually possess the land. Also the definition of who is a single woman has to be clarified in official documents so that the grass root level revenue functionaries are able to include the deserving women and it is not left to someone's mercy.

### **FGD at Bandhaguda of Bantapally GP, Kukudakhandi Tahasil**

Focused Group Discussion at Bandhaguda, revealed an entirely different picture. There was distribution of very nominal piece of land to tribal women. Bandhaguda is a small tribal village with only 23 Kondh households. There were 20 women participants in the FGD. All were Kondh women who were non literate, but could speak and understand Odia language. In this small tribal village, 8 women have got patta and land. But this land is too meager (0.5 decimal). Those who have got land and patta are Sanju Mallick, Tarini Mallick, Kumari Mallick, Sadhavani Mullick, Mahadei Mallick, Sabitri Mallick and another Tarini Mallick and Mahadei Mallick who is dead now.

The inhabitants of this village had settled here since long and have made their thatched houses. The major livelihood option is small patch agriculture and labour work in agricultural as well as forest collection. Forest collection here means only firewood collection.

The women have never questioned the RI and Tahasildar about why they are given such small patch of land? The additional Tahasildar, Kukudakhandi has given them the patta. It appears that land is given to them on the basis of whatever land that they have used to build their houses. With this prejudice, Patta for such a small land piece has been given to these poor, non-literate and voiceless people.

A very interesting case of how the villagers have made a conflict resolution needs to be mentioned here specifically.





### **Conflict Resolution**

One Mahadei Mullick who is dead now, has got 7 decimal of land from government. Her husband Prakash Mullick, who had died earlier to Mahadei has 10 decimal of land. They have 3 sons, namely Kailash, Babula and Budhia. In the meanwhile the second son of Late Mahadei Mullick, Babula has got 5 decimal of land from the government. Therefore after the death of Mahadei Mullick, the villagers decided that the elder son Kailash will get his father's 10 decimal of land and the youngest Budhia will get 7 decimal of land. Since Babula has got 5 decimal of land, he should be satisfied with that and therefore should not claim from his parents lands. All the three brothers have agreed to this decision of the villagers. It is really very interesting to notice how in grass root communities, people do resolve their conflicts by themselves. The case of late Mahadei Mullick's sons getting land without any conflict is a vivid example of how tribal societies make their own conflict resolution with out any external influence.

## Case study of Mahadei Malik, Bandhaguda of Kukudakhandi Tahasil



This is a case of a tribal woman named Mahadei Malik of Bandhaguda. Bandhaguda is a very small village of 23 households. All the villagers belong to Kandh, a tribal community. Earlier, all the households were staying at the same place, but now, 10 households have "moved out" to another place which is nearby. Firewood collection and paddy cultivation is the chief occupation of the villagers. Mahadei Mallick is one of the Kondh tribal women, who lost her husband 15 years ago when she was only 30 years old. Now she is 45 years of age and staying with her son Shriphol and one girl of 3 years of age who is actually her grand

daughter (daughter's daughter). Her son Sriphol is only 15 years old and dropped out of studies due to poverty. He is now roaming in the village looking for some employment and income. But since he is in his tender age he is unable to work as a labour in agricultural or non agricultural work. Oftentimes he is going to the near by forest in Kerandimal Hills to collect some firewood which his mother sells at Mahuri kedua temple. This is a way of earning for the family. Mahadei Mallick was working as a labour to earn her livelihood, but now a days she is unable to go to work as a labour as her health condition is deteriorating. She has got 'patta' for her own homestead land, which she had encroached before. She was staying there since long. She is now happy with a legal right of 0.05 decimal of land in her name.

Now also she has a house with RCC roof. Part of the house, she has given on rent. She gets one hundred rupees as house rent, which helps her in making her end meet. With a house being constructed with support from Government, she feels happy. She is also getting rupees three hundred under widow pension scheme. With this money she is managing her life. Faced with the agony of widowhood and deprivation, her future rests on the piece of land and house.

### Key learning

However small it may be, the physical possession of land and house gives immense strength to face the uncertain future amidst poverty. For women particularly those with children and spouse missing for long years, it is almost equivalent to being alone to raise the children.



## **KII with Ms Sarita Paltasingh, AWW of Bantapalli GP, Kukudakhadi Tahasil**

Ms Sarita Paltasingh, aged about 27, married, is the Anganwadi worker of Belapada centre of Bantapalli GP. She is residing with her husband having one son, aged about only 3 years old. The village Bantapalli is a very small village having 23 households. More than 98% belong to Kondh Tribe. The people of this community have been living on Govt. land. They are neither aware nor interested regarding land. Ms. Sarita also has not much understanding regarding the rights of single women particularly on land matters. According to her, all are facing land problem but people are so poor to acquire land and construct a house even if it is in encroached land. An Indira Awas colony has been developed for some of the villagers nearer to their old settlement.

Another precarious fact is that Tahasildar has distributed 5 to 7 decimal land to some of the households, which is very small in quantity. Since all are tribals and small in number, they have not been able to raise their voice before the Tahasildar or other officials regarding their problem.

### **Key learnings**

Grassroot functionaries like the Anganwadi worker do not have any knowledge regarding land matters and the revenue officials also do not take their help in enumeration and so on. Also the potential of such grassroot women workers can be effectively utilized in resolving and raising women's issues in land matters.

## **FGD at Damodarpur of Digapahandi Tahasil**

A FGD was organised with all male members of the village Damodarpur which is under Kaithakhadi Panchayat of Digapahandi Block. Damodarpur is a small village with 62 households. Shri Abhimanyu Patra is the ward member of this village who was also present at this FGD. More than 60% of the inhabitants of this village are poor. Agriculture, particularly paddy cultivation is the main source of livelihood of the villagers. Since land holding of many households is too low, many people have to work as labourers in other villages as well as outside the block. There is rampant out migration from the village. Almost hundreds of people mostly youth have gone out to work at distant places like Chennai, Hyderabad, Mumbai and Surat. They are going to such places for a period of six months to one year and then returning back.

The land records are in the name of the male members which is the tradition over the years. There is no system of "Land Patta" recorded in favour of women. There is also a tradition that after the death of the head of a household, the land is distributed among the sons. Daughters



do not get share of land. The land is distributed between sons equally. They get patta from the revenue authorities. But daughters do not get such share and therefore they do not have any "Patta".

This village comes under Kaithakhandi revenue circle. The people present at the FGD have said that neither the revenue inspector nor the Tahasildar or Additional Tahasildar have ever visited their village in connection with the land distribution matters.

There are many single women in this village. At least six of them have a very miserable life and are extremely poor. These six women should get land which will help them in securing their future. These women are:- Manu Paika, a widow; Namita Behera, a deserted lady; Sabita Behera, an unmarried women aged 40 years; Sudeshna Patra - a divorcee; Rajani Sahoo - an unmarried woman and Sujayanti Naik - a deserted women. These women should be assisted in getting land. Government should do something for them. Further the members present in the meeting opined that all the above mentioned women belong to SC communities, they have no land and are extremely poor and helpless.

FGD participants have said that they are aware of the "Women Assistance Centre" at Digapahandi Tahasil, but what activities this centre is doing is not known to them. Abhimanyu Patra, the ward member said that since he is going to Digapahandi block office and Tahasil, he has seen only the sign board of "Women Assistance centre" but he has not gone inside the office to inquire about the type of services the centre offers. However members present at this FGD said that if really Govt want to help our village, first the above mentioned six women should be given land.

### **Key learning**

Institutional mechanism being established is not sufficient but that there should be checks and balances which ensures that these institutional mechanism work. The categorisation of vulnerable women should include deserted women, unmarried women, widows, divorcee for the purpose of land allocation.

### **Case Study: Sabita Behera, Damodarpur Village, Digapahandi Block**



Sabita Behera of Damodarpur, Digapahandi Block till date is unmarried. She is 40 years now and belongs to Gouda Caste. She has physical disabilities something like polio in her hand for which she is unable to do any work, either household work or do some wage earning work for a living. Till she was 20 years old, her father was rearing her up. Add to her misery, she has also suffered from Filariasis with swollen feet. Her youth days are gone and her brothers were unable to arrange marriage and find

out a groom for her. Due to her physical problems she was to stay un married and also remain in abject poverty. For this Sabita is also not unhappy as she tells "There are some unmarried women in my village as well." And also there are many other women who are unable to get married due to abject poverty as well as physical disability.

### **Key learning**

Poverty along with physical disability make the women vulnerable. They remain unmarried and may not be in a position to move out of their brother/ father house. Such women have to be taken as landless and included in homestead land distribution schemes.

### **KII with Mr. Satya Narayan Rath, Ex PRI Member KaithaKhandi GP, Digapahandi Tahasil**

Mr. Satya Narayan Rath, aged 45, has passed Master's degree in History. He was the Panchayat Samiti member of Kaithkhandi GP from 2007 to 2012. He is informative and interested in

panchayat development activities. Now although he is not an elected member, he is still doing a lot for the community.

He has never visited the "Women support centre" set up inside the Tahasil office at Digapahandi, but he has been involved in the process of different surveys and inquiries made by RI & Tahasildar and other officers.

A single women is she, who is alone but living with her sympathisers. He defined that, she may be widow, unmarried, disabled or with no sons and daughters, divorced etc. Apart from providing land to the landless single women, a pucca house should be given. Proper vocational training should be given to her by which she can be self employed. Some more suggestion and information that he presented are Panchayats should be powerful to provide support to single women; financial support should be given to single women, Proper survey should be done. Survey findings should be presented before the Palli sabha and Gram Sabha. Land settlement activities should be properly carried out. Land problem which is acute in Ganjam District should be addressed properly.

Atrocities against women have reduced due to education, communication, media and public awareness. Financial situation of rural poor has improved to some extent. But still steps have to be taken to safeguard the rights of women particularly the distressed ones.

### **Key learning**

The inclusion of single women in land distribution schemes by itself may not be sufficient to address the vulnerabilities. Thus house building assistance is essential and also the support towards a sustained livelihood. The involvement of Panchayats is vital in reaching to the vulnerable at every village.

### **FGD at Hatpada of Sanakhemundi Tahasil**



At a Focused Group Discussion (FGD) at Hatapada under Chudangapur G.P of Sanakhemundi Block, 17 women members were present. The participating women have said that people are poor in this area since it was part of an ex feudal state of Khemundi. Land is scarce here. Most of the land belongs to big farmers who were Zamindars or from Feudal families. Due to this land problem people do not have scope

and opportunity for agricultural activities for a sustainable livelihood. With a fragile livelihood status, most of the people migrate from this village to places like Hyderabad, Srikakulam, Chennai, Goa, Mumbai and Bengaluru in search of work. Some have never returned and their whereabouts are not known. Therefore there are many deserted women in this village. There are also widows, who are toiling in abject poverty. Keeping the figure of widow women, deserted women and never married women, there are also many cases of such single women who do not have land. Further the socio-economic profile depicts a morbid scenario. Specifically there is extremely low literacy amongst women as a result of which they are unable to have any knowledge regarding the various welfare schemes of the government.

There has been no land distribution in this village. No women have received any patta or house. Even the women members who were present at the FGD meeting were not aware about the "Woman Assistance Centre" that is operating at the Tahasil office at Digapahandi. However they have said that Swarna Didi (Action Aid staff) is coming to them at times to share their misery and trying to help them. They are unable to tell who Swarna Didi is. They are unable to tell about Action-Aid program. They construed Swarna Didi as one of the Govt. Officials. However they are happy that at least someone like Swarna Didi is coming to them to pay attention to their problems. They revealed that many women have applied to the AWW to get land, but still they are waiting. The FGD participating women expressed their displeasure that a long time has elapsed and no steps have been taken by government to provide "land/patta". They are poor and struggling for a livelihood on a daily basis. They cannot go to any office at Block or at Tahasil at Digapahandi. They do not have money or time to inquire about this matter. Govt. offices never pay attention to such marginalized women.

### **Key learning**

The absence of any grassroot structure where in the women know about their rights and also the absence of any mechanism wherein the governance structures capture the vulnerabilities of the women has made the accessibility to entitlements a far cry. The women who are generally the most ignorant, poor and burdened, have no systemic support towards the alleviation of poverty, drudgery and ignorance.

### **Case study of D. Sujatha, Village Hatapada of SanaKhemundi Tahasil**

The case of D. Sujatha, aged 30 years, who has made a Jhati Mati house near Digapahandi Sub-Jail depicts a morbid situation that exists in society in rural Ganjam and specifically the case of single women. D. Sujatha is a Telegu young woman, who had migrated here from Kondalpadu



in Srikakulam long ago when she was only 2-3 years old. Her parents were extremely poor and were wage earning labourers getting Rupees ten to twenty only as she remembers, some 25 years ago. After the death of her parents, she got married to one D.Ramesh and lived with him for 15 years. She was only 15 years of age when she got married. She too was working in the agricultural fields (Paddy fields) of Sahukars in many villages of Sanakhemundi area in those days. She was getting an amount of Rs 20 to Rs 30 only and thus was supplementing their family maintenance to some extent. Her husband D. Ramesh suffered Tuberculosis (TB) and was unable to work. Her husband's health situation worsened without proper food and medical care. Lastly her husband died 5 years ago. She was pushed to utter distress. Her daughter D. Vaijayanti was only 8 years old and her son D. Prabhudeva was 4 years old by then. She had to work hard but getting only Rs 50 to Rs 60 from labour wages. This small amount of money was not sufficient to manage 3 heads. Therefore she had to made few hand loans from neighbours of this village.

Unable to repay the hand loans, she had to face lot of ordeals from others. With such hard pressing life, she took a decision to leave her daughter and son in an orphanage centre in some place (she was unable to tell the name of the orphan centre) in Srikakulam District of Andhra Pradesh. Although she is now working as labour in the nearly villages her wage earning life is not regular. She is not getting work everyday. She used to get Rs 100/- one hundred only for any of labour work. She has a small Jhati mati house where she lives. The 2013 Phailin has destroyed her house. She has no "patta" of any type of land. She expects that government will provide her land and a house someday.

### **Key learning**

Abject poverty forces even a mother to give up her children. The irregularity of proper income source makes women very precarious in their sustenance. Thus the inclusion of such women in any land distribution scheme is essential which would facilitate them for a secure life.

### **KII with Mr. A. Prasad Kumar Dora, Hatapada Village of Sankhemundi Tahasil**

Mr. A Prasad Kumar Dora aged 40, is the Ex-ward member of Chudangapur GP, Sankhemundi Tahasil. Now he is a businessman. But he takes interest in village affairs. That is why he knows the initiative of Action Aid and Tahasil administration regarding the land issues. He is a graduate and well aware about the various schemes of Govt.

According to him land problem is acute in their area. He is not aware about single women and the problems that they are facing. According to Mr Dora, Single women should be attached

with any family. They should live with their father or father-in-law; otherwise she may face different types problems. He is not satisfied with the action taken by Tahasil administration. Proper survey should be conducted to know the landless single women. In the event of land being not available, Low rate land can be purchased for landless single women or poor people. MP & MLA LAD fund should be used to address the issue of single women. Panchayat level survey should be done by Revenue Inspectors, taking the help of Sarapanch & Ward members and others at village level. Landless single women should be properly identified. Otherwise all rich people will take away this opportunity. This issue should be discussed in Palli Sabha and Gram Sabha. Most of the Govt benefits are captured by clever and influential people, whether they are eligible or not. Media should be used to highlight the issues.

### **Key learning**

Involvement of rural local bodies in land matters should be solicited. Identification should be transparent and the landless single women should be surveyed properly.

### **FGD at Karasing Village of Buguda Tahasil**



A Focused Group Discussion was organised at Karsingh village in Buguda Block. Karsingh village is a big village with more than 500 house holds. This village comes under Karchui Gram Panchayat. 15 Women had participated in this FGD. Focused Group Discussion was held at a community House called Kotha Ghara near the Harijan Sahi. There were women from castes like Gouda, Kurum, but majority of participating women were from Scheduled caste community called Pana. Amongst the participating women some

were divorced women, some were widows and some are deserted women.

About their opinion on whom they consider as single women, the participating women



responded that the women who has been divorced or her husband has gone away leaving her alone or if the husband is dead, then the women is considered as a single woman. And these women are without any land in their name.

The women are mostly agricultural labourers. People from this village are migrating to other places like Surat, Mumbai and Chennai. However women migration is not that regular. Still some of the girls of this village have migrated to Mumbai and Bhubaneswar to work as maid servants.

Land is generally inherited by men. Women usually do not inherit land. When a father dies, his land is being inherited by his sons. All the sons receive or inherit land equally. Daughters usually do not inherit land as it is not the practice in the society. Now the law has been made for daughters to inherit land from their parents. The same is the case in homestead land inheritance. After marriage since the daughter goes away to her father-in-law's house; she is not given homestead land.

Dowry practice is rampant in the area. During marriage of daughters, either cash or materials or even both are given. This is one of the reasons why daughters are not entitled to get landed property.

18 women of their village have got patta for land. But since their land is under the possession of some powerful and dominant caste people, they are not allowing the patta holders to take possession of the land. And there is dispute over the land which has been allocated to them at Karsingh. Till date the dispute is continuing. They have approached the Additional Tahasildar over this matter, but no action has been taken by the authorities of Revenue Department in this respect. Tamal Naik, Tanu Sethi, Ruma Sahoo and Sasi Das had gone to meet Additional Tahasildar at Buguda, during July of this year (2014). In spite of their appeal no action has been taken by Additional Tahasildar till date.

Out of the 18 women who have got patta, 6 belong to harijan caste who are very poor and are unable to afford the cost of travelling time and again to Buguda to make personal appeal to the Add. Tahasildar. The FGD attending women viewed that since the other 12 patta availing women belong to General caste and little better off, they should go to meet the Tahasildar at Buguda and collectively present their case.

Members also told that they have received patta since last 1 year, but they have not been able to get actual possession of the land. They are also aware about the "Women Support Centre" operating at Buguda Tahasil, but this Women Support Centre has so far not been able to make redressal of their problem.

The participating women also said that they need 15 x 15 ft homestead land, but it should not be in a dispute land. They are unable to face the powerful people who are in possession of such land that has been allocated. Even the matter has been taken over by police. Despite this, there is apprehension of law and order in the allocated land at Karsing; if the beneficiaries will go to that land for physical possession.

### **Key learning**

Proper care and caution is to be taken while demarcating and / or earmarking land that is to be distributed to the beneficiaries. It is to be seen that the land is litigation free. If there has been any un-authorised encroachment, it should be solved. Revenue officials should involve PRI members, village level CSO workers and women during land allocation meetings.

### **Case Study of Phula Naik, Karasing Village of Buguda Tahasil**



She is young not more than 28 years. But she is a divorced lady, suffering a lot. Now she is happy and thinking to start a new life after getting a piece of land in her name. A spark of confidence is glittering in her face.

Her name is Phula Naik. and she belongs to SC community. At the age of 20, she got married, but within one month her dream of married life faded away and finally in the presence of community leaders she got separated from her husband. Also after separation her husband Mr. Prafulla Naik married another woman and unfortunately he divorced her. Phula correctly said "He was not a good person. He destroyed the life of two girls.

He should be punished. But due to our poverty I could not take any action. During the separation, he gave back Rs 10,000/- i.e the amount he received from our family as dowry."

Now Phula is living with her father. They are four sisters and one brother. All other sisters have got married. In between her mother has died. The livelihood of Phula is maintained by her elder brother. The total member of family is father, elder brother and his wife and their 2 sons. Phula feels, she is the extra burden on them.

Her brother denied to divide the piece of homestead land and very small quantity of agricultural land with his divorced sister. Phula also did not demand because she feels it will be injustice as the brother is taking care of her.

A ray of happiness was experienced when she received patta of 25 decimal homestead land near by her village Karasing, from Tahasildar through active support of Action Aid. Now Phula dreams to construct a small house in her land. But due to controversy in this plot no body has moved to that place. All patta receivers including Phula have informed IIC, Bugada and Tahasildar regarding their issue. But till now the case has not been solved.

She is a daily labourer. She has confidence to maintain her house but unable to construct. She expects to get an IAY or any special support to construct a house. She is illiterate but wants to live in dignity. She is not in favour of remarriage as she fears that there may be repetition of desertion.

### **Key learning**

Ownership of land increases the confidence and self esteem of women especially vulnerable women. But the lack of proper co-ordination amongst the administration results in the rightful owners not being able to possess the allotted land.

### **KII with Mr. Chittaranjan Sahoo, RI, Karasinga, Buguda Tahasil**

The Revenue Inspector Mr. Chittaranjan Sahoo of Buguda Block had insights on the land issues linked with thousands of single women; those are living in different parts of Ganjam District. Four Gram Panchayats of Buguda Block namely B. Karadabadi, Bhubaneswar. Takada & Karachali comes under Mr. Sahoo's jurisdiction. He is 40 years old. The Revenue office is situated at B. Karadabadi.

RI Mr. Chittaranjan Sahoo has joined in this office just 3 months ago. Fortunately during the time of discussion with Mr. Chittaranjan Sahoo, another RI Mr. Dillip kumar Pradhan reached the office to meet Mr. Sahoo. Previously he was in charge of this particular RI circle.

Some issues relating to the functionaries of the Revenue department are that there is no allowance for RI to visit villages again and again. Most of the villages have no surplus land to be distributed among women. No criteria have been fixed by the Govt. to identify single women as a separate family / household. The RIs have not received any Govt. circular to give more importance on single women. They are giving importance on landless families who are poor. Then single women are coming under this category. Despite being provided patta, many

families are not interested to leave their old places and move to the new location. Without any prior preparation, they receive phone calls from Tahasildar to identify immediately or prepare patta within a week. There is something wrong in first step i.e. in the process of collection of applications. Panchayat is not active to facilitate the programme. Pallisabha and Gram Sabha are not equipped to handle land matters because each and every person is interested to be the beneficiary.

### **Key learning**

The administrative Revenue department needs to be revamped and adequate capacity building including additional funds and functionaries have to be deployed to cover each and every village and identify the beneficiaries.

### **FGD at Village Kusapalli Jagannath Prasad Tahasil**



FGD was conducted at Kusapally village under Routi GP of Jagannath Prasad Block to elicit views of women who have received Patta for their land. There were 12 women participants at this FGD. Two Women were from higher caste (Brahmins); 3 were from Scheduled caste, and 7 were from OBC category. Six of the participants belonged to BPL category and 5 of them are non literate i.e . without any education.

Some of the women have availed "patta" for the land and others have not received any land /Patta. Although some of the single women have received Patta, it is found that they have received patta for the plot /land which they have already occupied since long time. They have encroached the Govt land since many years. Interestingly out of the 12 participating women in the focused Group Discussion, 7 were widows having single women status. After getting Patta for their land, the women are feeling happy and express their gratitude to Swarna Didi of Action Aid. At the same time they are also not very happy for the fact that they need more assistance for building their houses. However after a long time, now the beneficiary women feel that atleast they will be able to put their head under the shed of a roof. With a legal right

over land the women are very happy - says Binodini Mishra (44) a SHG leader of the village. These women are now planning to put forth their demand to the Tahasildar at Jagannath Prasad for providing support for house construction. They are planning to go to Jagannath Prasad to meet the Block officials as well as Revenue officials in this matter.

### **Key learning**

The role that civil society organizations play in facilitating land allocation is appreciated by the community. For the women, the presence of such workers gives them the handholding support to voice their concerns before the administration.

### **Case Study of Pupalata Mishra, Kusapalli Village, Jagannathprasad Tahasil**

This is a case of a widow named Pupalata Mishra, aged 65 years who belongs to Brahmin (an Upper caste by tradition) caste of Kusapalli. She had got married when she was only 13 years old. She has been living here since the last 53 years. She had little education (studied upto class 3). Due to old age she can barely read now. She was managing her life better till 2002 when her husband was alive. Her husband had some agricultural land and they were getting plenty of agricultural produce particularly paddy with which they were managing their life. Add to her husband agricultural income, Pupalata Mishra was doing some tailoring work and getting some income out of it. She has seven daughters and one son. Suddenly with the death



of her husband in 2002, life became more difficult and she had to pass through a very critical phase for survival. There were days when she to spend nights without food.

However she is now happy. She has a "Patta" in her name. She has constructed her house over the land for which she has got ownership rights

All her daughters have got married and her son has also got married. Her son is now working as a Bus- conductor in a privately owned Bus and stays at Baliguda. Pupalata now stays with one of her grand-daughters and one grandson. So there are now 3 members at her family. Her daughters are

coming to visit her everyday. One of her daughter who has got a job of teachership in a nearby village visits her everyday. Pusalata is not feeling lonely as a single woman.

When enquired about who would inherit this land, she thinks she will do this in favour of her son because this is the common tradition in the society.

As a widow, she has many problems. She is facing problems in going outside and specifically to Govt. offices etc. In this village there is a strong Women Action Group formed with help of Action Aid and most of their cases including land / patta have been solved with support from Action Aid staff.

Pusalata is a member of a group called "Maa Bhuyani Swayam Sahayak Gosthi". Pusalata says that being a member of a group she has more confidence and more strength. Being widow in the society one has to face many hurdles like harassment, torture by kins, social stigma and powerlessness. However now she feels empowered on owning a piece of land.

She does not have sufficient money to construct a Pucca-house, With her old-age pension of Rupees Three Hundred she spends mostly on food and medicines. She is still hopeful to have a house with pucca roof with financial assistance from government under any scheme.

### **Key learning**

For the old widows, inspite of having sons and daughters who are settled, land and house ownership is essential towards ensuring that they are able to lead a life of dignity. But the prejudices towards the sons as rightful inheritors need to be addressed.

### **KII with Binodini Mishra, (President, Women SHG ), JagannathPrasad Tahasil**

Binodini Mishra, aged 44 years, of Kusapally village under Rauti Gram Panchayat in Jagannath Prasad Block, Ganjam is the president of a Women SHG called Maa Bouti Self Help Group. She has been staying in this village since the last 44 years. She has seen many changes in this village. Her father's house is also situated in this village. She recalls, some 35-40 years back situation when there were few households, land was plenty and there were dense forest coverage everywhere. So at that time her father had occupied land in the forest area. So also her husband's family. And now all the villagers are staying in encroached lands. Some of them have by now obtained Patta during a mutation process (A process of land recording and land settlement conducted by the Revenue Department). But as far as the current provision of land allocation to single women is concerned, it is a very good scheme of the Govt but in her village many single women have been left out from this scheme. In reality, many women who are



single and poor are yet to get land / patta. Only 6 single women of this village have obtained Patta and others are left out. They also need to be given a house or house building fund.

Binodini Mishra says that the land distribution in favour of women has brought strength and respect amongst single women, who are usually neglected in a village environment.

### **Key learning**

In the period where human population is growing and land is getting scarce, governmental interventions towards providing land in favour of landless single women is timely and important for social justice.

### **FGD at Kokalunda Village of Belaguntha Tahasil**

During the Focused Group Discussion with Women at Kokalunda in Belaguntha Tahasil, views



and opinions were collected about the single women of the village and about their ownership over land. There were 14 women participants in this FGD. All were married women except one who was a widow. Out of the 14 women, participants 2 were SC women, while others were OBC category. Some of them were housewives while others were wage earners. All the participating women hold the view that women do not inherit land in this village as this is the usual tradition of the society. Only sons get land and that too with ownership rights. They have heard that poor and single women will get some land. Therefore they have given their names to the Anganwadi worker of their village. But till

date, they do not have any information what happened to this land and patta distribution matter. When some of them had asked about this to the Anganwadi worker, she said that Revenue Inspector (RI) and Tahasildar will do the needful in this respect. She cannot do anything except that she was asked to collect application. The women of Kokalunda are still awaiting for a decision of Government to get land and patta from authorities. Although Tahasil office is nearby which is situated at Belaguntha, women of this village have never gone to the Tahasil to approach the Tahasildar over land allocation matter. Nobody has taken any steps for them



to follow-up their case at the official level. No civil society or PRI member has brought their matter to the notice of RI or Tahasildar.

In this village a large number of men have gone out on migration to distant places like Surat, Mumbai, Chennai & Bengaluru to work due to scarcity of land and there is no work in agricultural sector. Therefore there is no opportunity for wage income at village level.

### **Key learning**

The importance of land as an asset is amplified in an environment where there are no livelihood options particularly agriculture based. While the men have the option to migrate, it is the women who are left to fend for themselves. The administrative mechanism is not adequately responsive to the needs of the women and the apathy of the frontline workers in land matters makes the women more vulnerable.

### **Case Study of Urmila Behera, Village Kokalunda, Udhura Gram Panchay at Belaguntha Tahasil**



Urmila Behera of Kokalunda village, in Udhura G.P of Belaguntha block has been deserted by her husband who went to Assam some 25 years back and never returned. She is a Scheduled caste (Keuta) woman having a son and a daughter. Aged 45, Urmila was 20 years old when her husband Dandapani Behera went away to work at Dimapur in Assam. Since the last 25 years, there is no news regarding the where about of her husband who never contacted her at any time. Her son was 2 years old and her daughter just 3 months when Dandapani left them and went away to work in Assam. She is illiterate and works as a labour in both agricultural as well as in non-agricultural sector to make her livelihood. Her father's house is situated in this village. Sometimes her brothers help her during extreme distress times. She is now

staying at her brother's house as her husband's house has been destroyed during 1999 super cyclone. There is no land in her name.

Her elder son Saroj, aged 25 years has migrated to Surat to work. Only recently he has sent some money to her. Her daughter is married and moved to Balugaon in Khurdha District. Although her father had 10 decimal of homestead land, it is in the name of her brother. Since daughters do not get share of land, she has no land inherited from her paternal family. She has no BPL card and thus she has to purchase all daily consumables like rice and other food items. Her name has been enlisted by the AWW for getting land. She is hopeful of getting some land from Govt under any scheme, like other single women of her village. She is unable to know why there is so much delay in this regard. She had also asked to the AWW about this. But the AWW have said that she cannot say when she will get land / Patta. The AWW advised her to meet the RI and Tahasildar in this respect.

### **Key learning**

The women who have been deserted by their husbands are yet to be captured by the social protection system. In the absence of being enlisted in any social welfare scheme/programme, individual women are suffering. In such a context land allotment is a major initiative for their existence but quick response of the system is a far away dream and the administrative mechanism is not geared to tackle such issues.

### **KII with Geetanjali Swain, AWW, Kokalunda of Belaguntha Tahasil**

Geetanjali Swain, aged about 33 years is presently married, belongs to general caste category, and has been appointed as AWW in Kokalunda village of Belaguntha Block. She has passed +2 level exam and very motivated in her work.

As per her information, Kokalunda is one of the big villages with 308 households. More than 60 percent families belong to SC community. Near about 10 percent are tribal families. Poverty is acute and rampant due to severe land crisis. Most of the male members have gone outside as migrant labour. In this village there are 3 Anganwadi centres.

Geetanjali could not define the single women. She depends on Govt. circulars as she is a low level worker of Govt. Not much innovation can happen at her level. According to her, during the time of filling of any application, format or information sheet, people are forcing to enlist their names. They are unable to present their own view. In case of land matter, she said that Govt. should provide sufficient land and other facilities to poor people especially women. As a woman, she narrated how single women are facing problems inside the family. Still she could not provide any solution for it.

### **Key learning**

The front line workers do not have much scope for any innovation at their level. They depend on govt instructions for inclusion of any category of women in any scheme. However, there is opportunity for such workers to be mobilized to tackle social issues facing women.

### **FGD At Mundamarai of Dharakote Tahasil**

A Focused Group Discussion was organised at Mundamarai Village in Dharakota Block. The participants of this FGD were all women. The women who had participated were from different caste category. Some belonged to higher caste like Brahmin, others were OBC and some were from Scheduled caste category. Mundamarei is a medium sized village with 176 households. Agriculture and wage labour is the main source of livelihood of the people of this village. Due to lack of wage-earning facility, there is heavy out migration from this village. Around 400 people from this village have gone to places like Surat, Mumbai and Chennai to work as labourers and earn their livelihood.

During Focused Group Discussions, the participating women have pointed out that it is only the men who have land rights (Patta) in their name, as it is they who inherit land from their parents. It is the usual tradition in society. Daughters do not get land. But one very interesting thing came up during Focused Group Discussion. That is women get land after the death of their husband, but no Patta for it. The same land is again inherited by her sons after her death. Many of the single women of this village are staying in rented houses. In this village 16 single women have got land/patta for homestead land. But they are not interested to take possession of this allocated land as this place is situated close to the Ghodaheda River and this place is used as a funeral ground by the village community. Although the 18 women feel happy for the land/patta they have got, they are hopeful of getting house building assistance from Government. Most of the women present at this FGD said that, they will be happier, if a house could be given to them as has been done at Chhatrapur Block and Chikiti Block. About this housing provision they have heard from their village headman as well as from ward members. They are expecting such facility for them at an early date. But most vital is they should be given land somewhere near to their Sahi/bastis. A place near to their Sahi will help them to be able to stay closer to village people and they will get work here.

### **Key learning**

The inheritance of land by sons on death of father is the norm. Daughters do not inherit land. But allocation of land by govt in favour of landless women is a significant initiative but the location of the land has to be appropriate otherwise land possession will never happen.

### **Case Study of Bhagyalata Sahoo, Mundamari village, Dharakota Tahasil**

Bhagyalata Sahoo is a widow of Mundamari village, whose agony is limitless. She became widow at the age of 25. Her husband was a hotel cook who was working at Damanjodi in Koraput. Suddenly he died 5 years ago at MKCG Medical. Bhagyalata is staying with her old mother who is 65 years and paralysed. Not only this, 2 of the nieces (sister's daughters) stay with her and help her in domestic work as Bhagyalata is working as a sub-staff/ peon in privately owned Sisu mandir School at Mundamarai. She is getting Rs 1000/- per month as salary. Observing her miserable plight villagers had requested the Sisu-Mandir authorities to provide her employment at the school. Now they are four members in the family and it is becoming very difficult to manage the family with such meager amount of money. She has to purchase rice everyday at a cost of Rs 20 to Rs 22/- from the open market and other food and non- food items for their living.

She does not have any agricultural land. She is not able to get Rs 1/- per kg rice as she does not have a BPL card. However she has glimpses of happiness as she is now going to get some land at this village. However she does not like the land that she and other women of this village are going to get. It is a land close to the river and the funeral ground. The beneficiary women are hesitant now to take possession of the land. They have told the RI to arrange alternate land for them, so that they will be out of fear. But the RI expressed his helplessness and inability to arrange alternative land for them.

#### **Key learning**

The land allotment in favour of vulnerable poor landless women has been blind to the local aspirations and sentiments. The administrative mechanisms stops once the allocation of land is done but there is no monitoring and follow up on whether people have actually taken possession of land allotted. In cases of genuine issues with regard to the suitability of the land allocated, the govt has to taken necessary and appropriate action.

### **KII with Braja kumar Sahoo, Sarapanch Mundamarai GP of Dharakot Tahasil**

Mr. Braja kumar Sahoo, Sarapanch, aged 50, is very articulate regarding the land status of their locality. He viewed how panchayats are neglected to be involved this issue. Nobody takes the views of the PRI members but they come only to take signature.

There are more than 50% households who are landless, but this village has no surplus Govt

land for distribution among the landless persons. Govt. should give more importance to provide self employment opportunity to the rural poor.

Power should be given to Panchayats to identify appropriate beneficiary and all line departments should consult PRI members. But now a days panchayats are only implementing agency. There are no funds, functions and functionaries. Panchayats are only meant for distributing relief materials. They do not have any power to safeguard the rights of common people and also poor and single women.

He pointed out that now more women are attending the Gramsabha and interested to get pension and IAY. He is in favour of generating self employment in his panchayat.

He could not define properly, who will be treated as single women. He gave more importance on widow and divorced women.

### **Key learning**

Panchayats are not consulted in this land distribution matter. Land distribution to poor landless or particular to single women is a process not an event, so the system should take this issue as priority basis. There should be proper survey to identify beneficiaries.

### **2.2.3 Findings from the District and State level key informants interviews**

Initiatives at the district level (in Ganjam) towards women's land rights has not been kept up. While there are posters in some of the Tahasil offices on Women's Support Center, there are no designated office space nor persons for it. While some of the Asst RI who were trained when these centers started said that they got some applications from women , but subsequently, there was no follow up on these. There are no office orders/ circulars available on the role and responsibility of the Women Support Centers nor the its nodal officer.

The land laws of the state defines landless families and inclusion of single women with proper definition is necessary so that any rightful beneficiary does not get left out. For the grassroot implementers, surveyors, thorough training, sensitization as well as capacity building is required otherwise the gap between the circulars and actual implementation will always remain.

For women, one of the major problem is that of desertion by the husband due to which they have to face many hardships to run the home. Such women should be prioritized. The women's groups are a good space for collective development. For income generation activities, the women's groups have to be mentored for taking up land based activities like floriculture,

pisciculture etc. Orchards, markets, ponds lease by women's collectives are an option would needs to be given a major push. The destitute, vulnerable women includes the disabled, widows, old aged women , abandoned women, mentally ill and un married. Organizations working for women do not engage much on ensuring women's land rights. General community awareness building and sensitization and knowledge about land rights are done by grass root level organizations, but the final mandate on ensuring the deserving women get land right falls on govt administrative structures and they are ill equipped. The existing laws and govt notifications on joint patta has to be implemented in full letter and spirit. The need of the hour is also that women exercise their inheritance rights. The right that a daughter has in paternal property is not put forth due to the expenses that are borne in marriages of the daughter and /or in situations where she has to move back to paternal house or brother's house on problems in the marital family. The dependence of women ( married or otherwise) on the male members of either the natal family or the in laws family makes the women vulnerable and at mercy of others. The single women fall in such a situation where in they are incapable and/or not confident to exercise their rights. Single women are these who is living separately she may be unmarried, divorced, deserted, widow, etc. married but her husband is totally mad and fully disabled etc.

#### **2.2.4 Conclusion**

##### **Location of land allotment**

While providing land to the single women, all possible favourable dimensions/features need to be taken care of viz. the allocated land should not be at a far away place from the original village. After shifting to the new land the beneficiaries may face lot of difficulties like marketing, community interface, wage labour work etc. The new settlement place needs to have water facilities, good approach road and light facilities which are very essential for life activities.

##### **Encroachments**

Land allocation by itself is not sufficient if it not free from encroachments. For the poor vulnerable women who are given patta, it is of no value if they cannot occupy the land due to encroachment, non availability of approach road etc. For the women, the involvement of community becomes a critical input for successful resolution of any conflicts. Effective ownership on land by women is thus dependent on many external factors.

### **Actual possession**

In case of conflicts or issues relating to possession of land, there is need for some action and somebody should negotiate to break the stalemate. The women could also come together to air their grievance and find a solution. Featuring as a beneficiary in land distribution and actually possessing land seem to be quite wide apart in practice and more so for women.

The divide between policy to practice is visible and there is no concerted effort to address the practical problems so that the land allottees are able to actually possess the land. Also the definition of who is a single woman has to be clarified in official documents so that the grass root level revenue functionaries are able to include the deserving women and it is not left someone's mercy.

However small it may be, the physical possession of land and house gives immense strength to face the uncertain future amidst poverty. For women particularly those with children and spouse missing for long years, it is almost equivalent to being alone to raise the children.

### **Livelihood**

For a young widow, owning a piece of land and house is of immense social and economic security. However a regular source of livelihood is equally important and women particularly vulnerable women have to be provided with steady source of income. Lack of livelihood at local level is a major issue. While the young boys and men migrate, the women are left behind and more so the vulnerable women such as the widows, un married, disabled etc.

### **WSHGs**

The Women Self Help Groups are limited in its activities and as such it is not involved in any land rights issues. The capacity of Women Self Help Group members is extremely limited. Even though they have been involved as members since a long time, their knowledge is poor as the functional literacy level is low. Matters of land is felt to be too complicated to be understood by the women and is best left to government officials who in turn do not include each and every vulnerable women.

### **Panchayats**

The role of the panchayats is very limited even though there may be enthusiastic elected representatives who want to work for the area. Women leadership within the PRI system has been given little attention but instances of such women being involved for women's issues are evident. Land rights issues are not handled by the PRI members.



### **Role of local active citizens and organisations**

The disaster prone areas have special vulnerabilities of repeated loss of homes and livelihood. The losses due to disasters in the coastal regions have a gendered impact as the men are able to cope up better as they have mobility options while for the women it is rather difficult. The role played by local social mobilization activists even though they have political affiliation is a vital one. Such persons are able to facilitate the provisions to reach the eligible persons.

The role of local leader is significant in solving local land matters. Just allocation of land in favour of women is not sufficient as the land may be in the hands of encroachers.

The role that civil society organizations play in facilitating land allocation is appreciated by the community. For the women, the presence of such workers gives them the handholding support to voice their concerns before the administration.

### **Grass root workers**

Grassroot functionaries like the Anganwadi worker do not have any knowledge regarding land matters and the revenue officials also donot take their help in enumeration and so on. Also the potential of such grassroot women workers can be effectively utilized in resolving and raising women's issues in land matters.

### **House building assistance**

Getting possession of land is vital along with linkage to house building assistance. The inclusion of single women is not comprehensive in the absence of clear guidelines and official circulars.

### **Social protection**

Old women particularly widows have to struggle for survival. When they are not covered under any health insurance or any social security provisions, having a patta assumes significance but without linkage to house building assistance, it does not have any meaning.

Abject poverty forces even a mother to give up her children. The irregularity of proper income source makes women very precarious in their sustenance. Thus the inclusion of such women in any land distribution scheme is essential which would facilitate them for a secure life.

The women who have been deserted by their husbands are yet to be captured by the social protection system. In the absence of being enlisted in any social welfare scheme/programme, individual women are suffering. In such a context land allotment is a major initiative for their existence but quick response of the system is a far away dream and the administrative mechanism is not geared to tackle such issues.

### **Marriage registration**

The vulnerabilities of the women who are the so called second wife are extremely critical. In legal and administrative parlance, in the absence of any marriage being registered, the condition of the second wife in the event of the death of the man is to be treated judiciously. In land matters and any social security provisions, the inclusion of such women is a must.

### **Institutional mechanisms**

Institutional mechanism being established is not sufficient but that there should be checks and balances which ensures that these institutional mechanism work. The categorisation of vulnerable women should include deserted women, unmarried women, widows, divorcee for the purpose of land allocation.

The absence of any grassroot structure where in the women know about their rights and also the absence of any mechanism wherein the governance structures capture the vulnerabilities of the women has made the accessibility to entitlements a far cry. The women who are generally the most ignorant, poor and burdened, have no systemic support towards the alleviation of poverty, drudgery and ignorance.

The revenue administrative system from the village level to the district has to be revamped with more funds and functionaries. Capacity building is a vital step.

### **Overall summary**

The inclusion of single women in land distribution schemes by itself may not be sufficient to address the vulnerabilities. Thus house building assistance is essential and also the support towards a sustained livelihood.

Proper care and caution is to be taken while demarcating and / or earmarking land that is to be distributed to the beneficiaries. It is to be seen that the land is litigation free. If there has been any un-authorized encroachment, it should be solved. Revenue officials should involve PRI members, village level CSO workers and women during land allocation meetings.

Ownership of land increases the confidence and self esteem of women especially vulnerable women. But the lack of proper co-ordination among the administration results in the rightful owners not being able to possess the allotted land.

The administrative Revenue department needs to be revamped and adequate capacity building including additional funds and functionaries have to be deployed to cover each and every village and identify the beneficiaries.

For the old widows, inspite of having sons and daughters who are settled, land and house ownership is essential towards ensuring that they are able to lead a life of dignity. But the prejudices towards the sons as rightful inheritors need to be addressed.

In the period where human population is growing and land is getting scarce, governmental interventions towards providing land in favour of landless single women is timely and important for social justice.

The importance of land as an asset is amplified in an environment where there are no livelihood options particularly agriculture based. While the men have the option to migrate, the women are left to fend for themselves. The administrative mechanism is not adequately responsive to the needs of the women and the apathy of the frontline workers in land matters makes the women more vulnerable.

The land allotment in favour of vulnerable poor landless women has been blind to the local aspirations and sentiments. The administrative mechanisms stops once the allocation of land is done and there is no monitoring and follow up on whether people have actually taken possession of land allotted. In case of genuine issues with regard to the suitability of the land allocated, the government has to take necessary and appropriate action.

### **Who are the single women?**

Over arching condition is presently landless and above the age of 18 years. Additionally, she is a widow or deserted (husband not returned since 10 years or more) or divorcee or senior citizen or disabled (at least 40% disability) or unmarried woman.

Thus the inclusion of such women who be termed as single be done in land rights discourse is vital. Along side the need for convergence on house building assistance and sustained livelihood opportunities are to be met; other wise land rights alone as a stand alone factor will not yield the results as desired. The bottom line is that the landless single women are able to have substantive land rights not just notionally or in paper. However the concept of who constitute the vulnerable single women has to be based on principles of equity and justice. The identity of such women should not subsumed within the norms of family / household.

## Section 3 :

### National Workshop on "Developing Policies for Ensuring Rights of Single Women"



## Section 3 :

# National Workshop on "Developing Policies for Ensuring Rights of Single Women"

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### 3.1 Introduction

The right to land is a source of life, livelihood and social security for women. Land empowers women, reduces their social, economic and political vulnerability. Land spells identity and empowerment, rootedness and permanence. Single Women being the vulnerable section of society, land ownership could be effective in reducing their vulnerabilities. ActionAid having strategy towards working and securing for constitutional rights of the vulnerable section of the society organized a national level workshop on 19th and 20th of February 2015 towards the emerging need of developing policy for ensuring land rights of Single Women.

The 2 days workshop was attended by Activists, Revenue officials, Academicians, Researchers, Policy makers, Administrative Officers having long years of experience in land administration from different states. The workshop was enriched with the experience sharing of the single women beneficiaries who have received land titles by the district administration in Ganjam with active support of ActionAid in identifying the beneficiaries.

### 3.2 Inaugural session

Welcome Address by Shri Ghasiram Panda, Programme Manager, Actionaid, Odisha

To initiate the program, Shri Ghasiram Panda (Program Manager, Actionaid) made a warm welcome to participants of the floor. Sharing the objective of the event, he said that under the strong patriarchal society, where the man is recognised as the 'head of household', women asserting their property rights is mostly insignificant. Single, widowed or separated women are particularly vulnerable as they are customarily excluded from many areas of life and subject

to significant discrimination. Secure tenure to land and home can improve these women's welfare.

He further added that the Planning Commission of India, in its 12th Five Year Plan, has given emphasis to enumerate such Single Women and linking those to different entitlements especially giving them land and house ownership.

Actionaid is focussed on poor and excluded in their struggle to eradicate patriarchy and injustice to assert the rights and has made effort towards this end. This workshop aims at developing a perspective on women in general and Single Women in particular in the context of affirming their land rights. It is looking forward to develop an appropriate and relevant definition of Single Women in the context of land and property rights and advocate its inclusion in state policies and programmes.

Context Setting by Shri B.N Durga, Programmes Officer, Actionaid, Odisha

Setting the context of the workshop, Shri B.N. Durga ( Programme Officer, ActionAid, Odisha) said that Women, who are forced by their circumstances or choose to stay single, are generally more isolated, vulnerable and marginalized than others. The reasons for staying single have been increasing and so have the numbers who can be included in this category.

The 2001 Census of India had estimated the number of single women as 2.5 % among the age group of 25-59 who fall in the category of 'never married' and 1% divorcees. 8 % single women in the country as widows.

Accepting that single women and women-headed households are now a reality in rural India, Actionaid Odisha was implementing Single Women Land Rights project in the Ganjam district with collaboration of district administration. While implementing the program, many operational issues in asserting the rights to these women were observed. Only 5234 single women got selected as "eligible" and were approved for issue of land entitlement and the eligibility of rest 25000 single women who had submitted their application for issue of land were got rejected. Series of discussion with all stakeholders including CSO members, community leaders, women groups and also discussion with govt. officials were held to understand the legitimacy of acceptance and rejection but nothing concrete could come up. Hence it was felt that there is a strong need of a scrupulous analysis of policy spheres in the state's scenario on the subject of land policy and specific need of the single women.

Towards this end, a brief field work was done in Dec 2014 in 11 Tehasils of Ganjam, for a situation analysis of the status of the single women, including their experiences of violence



and violation of their rights, the use of relevant laws and policies in seeking justice, responses by judiciaries and the institutional bodies to identify different categories under which single women can be identified.

The organized workshop will take the opportunity to share the study findings, to debate and discuss vulnerabilities of single women, severity of the denial of their rights. The consultation will bring a roadmap with all the key stakeholders starting from community members to all CSO members and govt to define the single women as a special category, identify the criteria and spell out concrete policies that would safeguard the rights of single women so that they can live a life with dignity.

On the occasion, Ms. Bhagyalata Sahu, Mundamari Village of Dharakot Tehsil, Ganjam expressing her gratitude to Actionaid and District administration said that "The small piece of the land has become a matter of pride, self respect and wealth for me."

Address by Dr. Deepa Prasad, State Programme Coordinator, United Nations Population Fund, Odisha

Speaking on the occasion, Dr. Deepa Prasad, State Program Coordinator (UNPF, Odisha) said that there is no debate about land, which is one of the keys for building better lives and equality for poor rural women in the developing world. Yet in many places, women's rights to land tenure are still not recognized or respected. The consequence of Single Women in asserting rights over land and other resources is miserable. There are deep-rooted socio-cultural norms and practices which make these categories of women particularly vulnerable to discrimination and violence. Single women, widows and deserted women are often victims of ostracism, harassment and violation of rights by their families, relatives and society as a whole.

International efforts to improve women's property rights have gained momentum in recent years. The Convention on the Elimination of All Forms of Discrimination against Women has focused on equality in property as one of its important directives.

Planning Commission acknowledges these vulnerabilities of Single Women through its 5 years plans from time to time. In the 12th Five Year Plan, the Commission has for special dispensation for single women, particularly those who are single by choice, under various government schemes. The State Policy for Girls & Women -2014 under its one focused area also has mentioned to allot 0.04 decimal of homestead land in rural areas to women belonging to low income group and not possessing any house/ flat or homestead land who are either (i)

widowed, unmarried, divorced or separated from husband.

It has been affirmed by studies and reports that gender equality and women's empowerment are central to the achievement of all the developmental goals. Control and ownership on assets opportunity promote women to use or apply their basic capabilities which in turn reduce their socio-economic vulnerabilities. Hence to assure the fundamental rights of the susceptible category of women, efforts should be made from all domains, a convergent approach of Government, Civil Society Organizations, UN organizations to act as an Action Group may be a constructive approach. The studies and findings conducted from time to time may be relooked and the unaddressed areas may be identified by the Action Group to formulate strategy and worked on towards asserting rights and justice to Single Women, Dr. Prasad concluded.

Address by Dr. Manoranjan Mohanty, Academician

Greeting Actionaid for its intervention towards promoting the rights and entitlements of the poor and marginalized, Dr. Mohanty said that every human being possesses a set of rights by virtue of being a human and so as the Preamble of the Constitution of India also upholds certain rights as a citizen of the country. Women and the special category of women, the Single Women also hold some rights which they are hardly able to establish by virtue of being women and being single. Alarming numbers of women who are single live in dire misery and are treated as outcasts by the society.

He expressed his concern that the issues of Single Women are many, yet it has got little substance in development domain. He also accepted that his handbook titled "Weapons of Oppressed", which provides social category-wise listing and cross-listing of people's rights has missed the category 'Single Women' and pledged that the further editions of the handbook will include the rights of Single Women and that will reach to a numbers of social activists, scholars, policy makers, administrators and of course human rights defenders nations wide.

Dr. Mohanty also emphasized the terms used for the Single Women as 'lonely' women. "There is a tremendous difference between being lonely and being alone. When loneliness resonates the state of helplessness, staying alone represents being alone may be by choice." Dr. Mohanty said.

Speaking about the land rights of Single Women, the renowned Academician suggested that in the context of giving land rights to Single Women, the situation specific interventions may be made. More research and analysis about the specific status of the singleness may be

identified and accordingly asset ownership may be established which will provide them enhanced socio-economic state. Increased numbers of literature may highlight the issue to address the mindset of the society.

"There is a profound social taboo of being single as a woman in the society and property ownership is the weapon to fight against this taboo. State is also having responsibility towards eliminating this social ache by bringing special declarations about the land rights of Single Women, the policy and legislations should also redefine the property rights of women before and after marriage separately". Dr. Mohanty suggested.

Address by Snehanjali Mahanty, Member, State Commission for women.

Representing the State Commission for Women, Ms. Snehanjali Mohanty, the Member, State Commission for Women shared her experience of addressing cases which come to the Commission. It is seen that women become vulnerable to many forms of violence by virtue of their singleness. They face taboos and discrimination being widowed or deserted by husband and in-laws or being unmarried. Irrespective of the education and social background, women have to face social prejudice for being single.

"I being a Single Unmarried Woman, I too face criticism." Ms. Mohanty proclaimed. "Having no family responsibilities I find myself much flexible towards the tasks that my job demands. I am devoting my entire time to my position that I am always open for frequent outstation visits" she added.

She further requested the house that since a unspoken topic of the issues and challenges faced by Single Women has been taken up, a concrete structure may evolve so that society will no more treat single women as the entity of sympathy or mercy and they will be able to enjoy their right to live with dignity.

The Introductory Session was concluded with Vote of Thanks by Ms. Sudeshna Mishra (Actionaid).

### **3.3 Session I (The space for single women in state policy)**

To begin with the session, the moderator Ms. Pushpashree Devi said that land is one the most fundamental resources to women's living conditions, economic empowerment and, to some extent, their struggle for equity and equality. However, due to economic, legal, social and cultural factors their rights to access, control and transfer land are found to be discouraging.

Sajani Prusty, a widow aged about Forty years is the resident of village, Mundamarai, Dharakot

Tehsil of Ganjam district, received land patta when identified by Actionaid. Sajani says "I never had a thought of getting a homestead land in my name neither I was aware of my rights. The sense of owning a land is something overwhelming."

Mami Behera, an unmarried woman of Mundamarai village said "I am staying with my brothers in a 2 rooms thatched house, now my brother is having their children and with increased family size it is becoming hard to adjust in that house. I feel fortunate that I have been allotted with the homestead land patta in my name. Now I take the opportunity to request the authorities here to allot me house entitlement so that I can have a house of my own where I can stay for rest of my life without the fear of being shelter-less in my old days".

Punarbasi Naik of Karsingi village of Buguda Tahsil said "the small piece of land has assured me a life with confidence and dignity. I can feel the difference in behaviour of our village people towards me and my old mother. I am thankful to Actionaid and our district officials for offering me land ownership in my village."

Followed by the testimonies of the women beneficiaries, the session was enriched with the experience sharing by the officials of Ganjam district administration, who were directly involved in the groundbreaking process.

Shri Pramod Kumar Dalabehera, Additional Tahsildar, Jagannathprasad Tahasil proclaimed that "though I couldn't be the part of the process, as I am recently posted to the Tahasil, but I have heard about the splendid process of asserting land rights to the marginalized women from my colleagues. I am really impressed and I am looking forward to intervene the process in my Tahasil in future days with whole cooperation from Actionaid."

Shri B.K. Pattnaik, Additional Tahasildar, Dharakot Tahasil altered "Out of 600 applications, till date we could able to handover land pattas to 57 eligible beneficiaries. Many of them have applied and received ration card using the Patta as the identity proof. This has ensured their food security. Land ownership has many more dimensions in the life of Single Women, and I feel blessed for being the part of the noble process."

After the Case Study sharing, Ms. Pushpashree Devi invited Dr. Amrita Patel to share the study findings to the floor.

Sharing the Study Findings by Dr. Amrita Patel

Wishing the participants of the event, Dr. Amrita Patel started sharing her study findings made to analyze the status of Single Women including their experience with availing land rights, the violence and violation faced during claiming their land rights, the use of relevant laws and

policies in seeking justice, responses by judiciaries to identify the different categories under which Single Women can be defined.

Speaking about the process of the study, Dr. Patel intimated that the process constituted three components.

1. Desk Review to look into the theoretical and policy aspects of land rights of women
2. The Field Work conducted in 11 Tahasils of Ganjam to do a situation analysis of the status of the Single Women and the process of availing land rights
3. The Workshop to discuss on the cross sectionality of women and their land rights

Land Rights of Single Women is unduly self-limiting, as the term 'Single Woman' has till date misled the process. The desk review paper reveals that Single Women are generally categorized broadly under family except in case of a widow or a legally separated woman. There is hardly any policy or Act defining Single Women specifically. However certain Adoption laws such as Hindu Adoption and Maintenance Act, 1956 (HAMA) has identified single man and woman.

The recent amendments to Odisha Rehabilitation and Resettlement Policy (R & R Policy) has defined major unmarried daughter more than 30 years and woman divorcee or a widow as Single Woman and can be counted as separate households. But the Policy is unable to define the woman who is married and deserted, abandoned or whose husbands are missing since a long period.

She further shared that the State Policy for Girls and Women has proactively given emphasis to the land rights of Single Women and the Food Security Act also has considered Single Women as separate households and ensures adequate pensions to be given for advancing food security.

Sharing the field findings Dr. Patel stated that the Orissa Disaster Recovery Project (ODRP), which is being implemented in Ganjam disaster affected areas, has a good circular defining the Single Women as separate component, but the circular guideline is hardly followed during the implementation.

Land entitlement has ensured life with dignity for many women, but many expressed their helplessness to be shifted to the allocated land which is far away from the residential village and stay prefer to stay alone from the safety and security point of view. Land without housing grant also been an issue for many single women. Few cases were also there where the land is under the encroachment of some powerful people and the Single Woman are unable to get possession.

She further added that allotting homestead land ensures the living, but without proper livelihood option, there can't be any change in the status of marginalization of these Single Women. She further raised her concern that the Women Self help groups are limited in their activities and not involved in any land rights issues and so also the role of Panchayats.

The institutional mechanism being established by the district administration on women's land rights is not sufficient. There is little awareness about the functionality of women support centres opened in different Tahasils among the women beneficiaries.

After sharing the above findings, Dr. Patel came up with certain functional recommendations which are illustrated below.

- There should be a wider framework of defining women as 'Single' and the categorization may also include deserted women, widows and divorcees at large.
- Enumeration of women and sex disaggregated data is key to institutionalizing any women specific entitlements. Clarity on eligible women who are to be included in land distribution and house building schemes is required at policy level as well as in practice level.
- The inclusion of single women in land distribution scheme may not be sufficient to address the vulnerabilities. Thus house building assistance is essential and also support towards livelihood is required.
- Proper care and caution is to be taken while demarcating land that is to be distributed to the beneficiaries. Special care to be given while handing over the land which is litigation free. Unauthorized encroachments are to be made clear by the administration to ensure physical possession of the single woman
- The revenue administrative system has to be revamped with proper fund allocation and personnel appointments. Capacity building of revenue officials should be given due emphasis.

Dr. Patel then invited her team to share the field experience with the floor.

Mr. Nirakar and Mr. Mayadhar shared the field observations that the enumeration made by the Anganwadi workers was found to have incorrect data and inappropriate enumeration. The district administration and concerned officers in certain Tahasils were found to be not interested in the process. RIs and other concerned officials expressed their helplessness because of insufficiency of fund for logistic arrangements. The grassroot level convergence and involvement of PRI members and village level CSO workers are found to be very poor in the entire process.



The moderator of the session then called up for open discussion and the major points raised during the discussion are as follows:

- In the period where human population is growing and land is getting scarce, governmental interventions towards providing land in favour of landless single women is timely and important for social justice.
- The homestead land allotment should be made in a convergent manner including housing building assistance, electricity, water and sanitation facilities alongside the sustainable livelihood option to address the vulnerabilities of single women.
- Women staying in the shelter homes have no access to property and are equally vulnerable and hence may also be included under the land rights programme.

Ms. Pushpashree Devi then extended thanks to the speakers of the sessions and the participants and the session came to its end.

### **3.4 Session II (Understanding definition of single women)**

The 2nd technical session was moderated by Dr. Madhumita Ray. Speaking on the theme of the discussion, Dr. Ray said the Women's rights over land has always been a crucial issue for the society, that whenever the property rights of women is discussed, a sense of apprehension prevails. While property inheritance to son is taken as a common matter, the same to the daughters rarely happens, even after the amendments brought into the Hindu Succession Act and other similar policies.

Ownership and control over assets such as land and housing provide multiple benefits to women, including a secure place to live, livelihoods, improved social status and reduced vulnerabilities to violence, and collateral. It is an established fact that 33% of violence has been reduced when women have some property ownership.

Yet women hesitate to demand their property rights even in the parental property. The denial of inheritance of land rights especially in a patriarchal system has contributed to the subordinate status of women, Dr. Madhumita explained.

However the Government of Odisha has decided to distribute all such land under ceiling surplus to landless people with high priority being given to landless widows and unmarried women up to 30 years of age, as well as to joint patta for the husband and wife. Still, significant gaps exist between women's land rights and their actual ownership. The session will have a profound discussion about the actual status of ownership on land by Single Women under Govt special program and will observe the gaps. She invited the panellist Dr. Aurobindo Behera

(Retd IAS), Dr Amrita Patel (Project Advisor, SRCW), Ms, Lalita Missal (NAWO, Odisha) and Shri Sibabrata Choudhury, Sate Director, Landesa-Odisha to the Dias for the panel discussion.

Address of Ms. Lalita Missal

Speaking on the theme, Ms. Lalita Missal (Sate Coordinator, NAWO) said that, inclusion of Single Women in developmental programmes has started getting recognized since last few years only. Though Single Women constitute a significant proportion of population that comes under marginalized category, there has been put little effort towards addressing their marginalization.

Sharing her experience of working with the issues of Single Women, she elaborated that in 1990s, she made attempt to include Single Women as a special beneficiary group under CYSD watershed project, but it couldn't be materialized. Similarly in Indravati Displacement Rehabilitation project, an attempt was made from CSOs and Women Rights Activists to include Single Women in the compensation category in the year 2009 and the women headed households came under the compensation category.

The recent Orissa Rehabilitation & Resettlement Policy, 2006 has some progressive features such as unmarried daughters/sisters more than 30 years of age should be treated as separate families, but again it has missed out certain categories of Single Women to be defined separately under the policy.

Speaking about the Govt welfare schemes, she raised that the schemes which are proposed for the benefits of women, hardly reaches them. To establish evidence she said, the study conducted by the NAWO, Odisha Chapter about the effectiveness of Indira Awas Yojana for women revealed the fact that though the housing grant amount is released in the name of the women of the household, but there is hardly any woman, in whose name the house is registered. The government proposes a separate quota for single women under its two ambitious housing schemes - the Indira Awas Yojana and the Rajiv Awas Yojana, but they are either benefiting the widows, but not all the single women categories. The land allotment under Forest Rights Act (2006) also fails to identify Single Woman as a special category of beneficiaries.

Turning towards the vulnerabilities of 'Never Married' women, Ms. Missal presented that the Widows get respect and social empathy to some extent, where as the 'Never Married' women are always considered as 'Social Failure.' She emphasized that while the definition of 'Single Women' is going to be defined, it should be wider so as to include the excluded categories like

'Never Married' women. Pensions may provide security to some extent, but it also should include all categories, not limited to 'Widows' only. Ms. Missal also emphasized to include 'Transgender Women' under the 'Single Women' category looking at their vulnerabilities.

Address of Shri Shibabrata Choudhury (State Director, Landesa)

Reflecting the experience gained with the Single Women Land Rights project in Ganjam implemented by Landesa, Shri Sibabrata Choudhury said that in 2009 Landesa began working with the state government of Odisha to improve implementation of the state's Vasundhara homestead allocation programme by providing additional capacity to the Revenue Department, Ganjam by piloting a system to train local youth, known as Community Resource Persons (CRP) to assist land administrators in implementing the state programme. During 2010, Landesa was then offered to design and establish an exclusive cell at the Tahasil level to address women's land issues of the district by the district administration. The exclusive cells (Women Land Rights Facilitation centre) are then designed at the tahasils with a unique institutional mechanism to operate within the existing land administration structure to help ensure that rural single women can obtain homestead lands, Shri Choudhury continued.

In the process, many Single Women were identified and also some received title to a homestead plot. But many identified women, who were found eligible under the selection criteria also couldn't be benefitted by the program, Shri Choudhury said.

The reasons found were the land administration officials hesitated to allocate land to single women (whether living alone or with their parents or in-laws) on the pretext that it was not clear what share of land they would later inherit from their parents or in-laws. The officials were concerned that if they allocated government land to a woman who later inherited some land from her parents or in-laws. The community perception also played crucial role that there were instance of single women getting evicted from a brother's house after the women received a plot in their name. There was lack of Panchayat's intervention in the entire process.

Stating the above obstacles faced in the Ganjam project, Shri Choudhury recommended that sensitization program of land administration officials, PRI members is very essential for the effectiveness of such innovative programmes. There should be increased awareness about the issues through SHG meetings, community meetings. He further suggested considering differently abled woman having any sort of physical impairment should be identified as a single family for land allocation, no matter if she stays with the family.

"The hurdles in the process of providing land to such single women are not Herculean. It

needs a mission mode approach, sensitive land administration bureaucracy and the issuance of effective government instructions", Shri Choudhury concluded.

Address of Dr. Amrita Patel

Speaking on the theme, Dr. Patel said basing on the vulnerabilities that women face, single women are different than single men. When a man remains single, they are well accepted by society, but when a woman remain single, or is married and then she is deserted, abandoned or divorced, she is defined as Single as she is without any man. Thus there is a gender aspect of the very definition of single women.

However the marital status of women becomes conditionality in asserting their property rights. Hindus are governed by the Hindu Marriage Act of 1955 and the Hindu Succession Act of 1956. Muslims are governed by the Muslim Personal Law (Shariat) Application Act and Christians are governed by relevant family laws. In such a situation 'Marriage Registration' is very much essential, said Dr. Patel. She also gave emphasis to have a relook on all statutory laws and customary laws from a gender lens which prevent mostly exercising the inheritance rights of women.

Address of Dr. Aurobinda Behera (IAS Retd. Ex-Member, Board of Revenue, Govt of Odisha)

Extending a warm welcome to the participants of the workshop, the Retd IAS Dr. Aurobinda Behera said the worldwide efforts made till date to establish equality has always focused on giving elite importance to the inclusion of vulnerable sections of the society. Women being the vulnerable and being 'Single' multiplying their vulnerabilities, it has become crucial to work on it to reduce the vulnerabilities of Single Women. Endowing these women with land empowers them economically as well as strengthens their ability to challenge social inequalities.

Sharing his years long experience with revenue and land administration, Dr. Behera said the laws and legislations regarding the land and property rights of women has been very extensive and critical that the Revenue officials also found to be less competent on those acts. Towards this end, it was proposed to the state Govt to codify all the existing revenue-related laws in the state to formulate a single, comprehensive law on revenue. The main objective of this exercise is to simplify the revenue laws in order to give quick justice to the people. A Revenue Board was to be formed which will monitor the proper implementation of the law at the state level. Apart from this, the state government had to take steps for computerization of the records and maps in the different tehsils to enable the people to get all relevant information. "But nothing has been effective till now." He added. The Comprehensive law may include a

clear definition and strategy for 'Single Women Households' to get land title ensuring their land rights.

He further suggested that looking at the vulnerabilities, just a patch of homestead land may not sufficient to bring any substantial change to the status of these women. A separate programme for land to single women would be most apt to address the issue of landlessness among single women. An exclusive programme for land to women would create a mandate for the Revenue Department to ensure land - both homestead and agricultural - to single women under existing land laws and schemes. Dr. Behera suggested.

Summarizing the Panellist's suggestions about the "Understanding the definition of Single Women", the moderator of the session Dr. Madhumita Ray concluded that a comprehensive programme may be proposed which should include clear definitions of single women and methods for identifying their eligibility. This mandate can be implemented by changing the definition of family and accordingly changing the land allocation guideline or through devising a separate programme for these women that would provide homestead land, housing and access to livelihoods programmes as a single window scheme.

### **3.5 Session III - Sharing the experiences/ best practices from other states**

The session's objective was shared by Ms. Lopamudra Behera (Actionaid) that the movement for demanding property rights for single women is going on in different parts of the states at different level. This has ensured that effective and independent land rights for single women could gain at least four counts: welfare, efficiency, equality, and empowerment for them. She invited Ms. Shilpa Vasavada (Working Group for Women and Land Ownership-WGWLO, Gujarat), Dr. Binni, Coordinating Director (ENSS, Jharkhand) and Ms. Sushila Prajapati, PO, Actionaid, Gujarat to share their experience of land rights movement for Single Women.

Experience Sharing by Ms. Shilpa Vasavada

Ms. Shilpa Vasavada started saying about the genesis of the Working Group for Women and Land Ownership (WGWLO) that in 2002, the state level workshop on 'Land Ownership as a Livelihood Issue for Women' examined the different perspectives (livelihood enhancement, welfare improvement and women's empowerment) of why it was critical for women to own land. To address this issue, the Working Group for Women and Land Ownership (WGWLO) was formed with 13 NGOs coming together to work decisively on this issue.

Speaking about the activities of WGWLO, Ms. Shilpa stated that WGWLO is a consortium that has been addressing issues of women's land rights for the past eleven years through its 41

member organizations (17 NGOs & 24 CBOs) in Gujarat, using varied tools such as participatory studies including paralegal action research, a gender analysis on issues, contexts, factors, actors. These include not only insights into regional/social/cultural contexts, perceptions on women's land ownership but also on regulatory framework and administration, the intricacies of revenue procedures and socio-administrative hurdles while transferring land in the name of the women.

Sharing different study findings, she said that the study made in 2003-04 about the land ownership of women, it was found that land owned by women was a mere 11.8% compared to men who owned 88% of land. The impact study of Land Reform Act revealed that only 2-3% of lands were given to single women, mostly widows. Another recent study also admits the fact that though widows have received title of the land, around 80% of them have transferred the ownership to their family members under family pressure. WGWLO is working to address this issue by taking up cases of women struggling for land rights by facilitating their fight and giving active as well as passive support.

WGWLO is also working to build women's resource rights in varied village level institutions such as women self help groups and cooperatives and local governance institutions, particularly by strengthening the role of elected women members and by sensitizing local officials. Ms. Shilpa concluded.

Experience sharing by Dr. Binni, Coordinating Director, ENSS, Jharkhand

Dr. Binni started her address with two lines of a song which narrates about the apathy that every woman faces in her life. The song went like this.

"Nari Purush Sab Ek Saman, Ek Saman,

Phir Kyon Nari Sahati Apamann"

Speaking about the patriarchal mindset of our society, Dr. Binni presented that women are not only treated as subordinate to men but are also subject to discriminations, humiliations, exploitations, oppressions, control and violence. Women experience discrimination and unequal treatment in terms of rights because of their gender differences which is a social construct. Land and property rights of women couldn't be exercised after 66 years of independence when there are progressive laws in our country to assert property rights to women.

Victimisation of a woman without a male 'connect'- husband, father, son, brother - is rampant. For patriarchal panchayats, single women simply don't exist. Panchayats identify beneficiaries



of government schemes, and single women have no say. Even job cards for widows are made in the name of the nearest male relative, she expressed the concern.

Explaining the Ekal Nari Shakti Sangathan (ENSS) interventions towards this cause, Dr. Binni said that Ekal Nari Shakti Sangathan (ENSS, formed in 1999 and now extending all the 33 districts in Rajasthan) is a state level organization focusing on Single Women rights to land and livelihood entitlements. ENSS has adopted the strategy of direct action at the local level instead of approaching the courts and thus when a widow or single woman faces any land or property related issues and approaches ENSS, a committee set up by ENSS start intervening directly to resolve the issue. The committee goes to the patwari (revenue clerk) to look at land records. A date is set by ENSS for claiming the land, the collector is approached. High level police officials, an elected member of the panchayat, as also members of other civil society organisations are invited. The patwari reads out the title and in declaring the title, women's organisations, policy, administration, elected representatives and sometimes caste panchayat members are involved. "Our approach has been successful with lawyers giving only legal advice", She added.

ENSS has also been formed in Himachal Pradesh where one of the demands for single women includes two acres of land on long term lease from the government's pool of surplus land. In Kutch, Ekal Nari Shakti Manch (ENSM) was formed after the earthquake and now extends over seven districts in Gujarat. Demanding land for single women, the ENSM pointed out that a May 2005 GR by the state government had allocated 45.6 lakh hectares of wasteland to corporates and big farmers on a 20-year lease. To date, ENSM has succeeded in getting property rights to many widows, unmarried daughters, deserted and divorced women through its advocacy programmes, Dr. Binni concluded.

Experience Sharing by Ms. Sushila Prajapati, PO, Actionaid, GujaratGujarat

"It was realized that as the main food producers, women's access to land and natural resources was a key factor in eradicating hunger and rural poverty as well as providing security to women to take a stand against violence and make it difficult for their families to throw them out of home. Actionaid Gujarat is working towards ensuring secured land rights to women as one of its key agenda." The Program Officer, Gujarat Actionaid started sharing Actionaid Gujarat's activity details.

After Gujarat earthquake emergency, it was found that women were mostly in crisis. 1155 women, whose husbands died in the disaster, were not able to get compensation and Actionaid started intervening in supporting these single women for their entitlements.

As late as May 2005 a government order allowed large corporations to be given so called 'waste' or unused government land for farming. It would have been better to put the needs of earthquake widows before the interests of corporate farming, as over 1,000 women lost their husbands in the Gujarat earthquake. Actionaid made campaigns through setting up people's tribunals and public interest litigations to challenge such discrimination, particularly discrimination against widow single women.

Speaking about Actionaid working approach towards ensuring land and property rights of women, Ms. Prajapati said that Sneh Samudaya, as a network of NGOs and individuals, supported by ActionAid India is working to eradicate discrimination and empower marginalized women to campaign for their rights. Sneh Samudaya and ActionAid India have been working to build and strengthen community organizations so that they become sustainable. Of these, the most notable are the Lok Adhikar Manch (LAM), the Ekal Nari Shakti Manch (ENSM) and Viklang Adhikar Sangathan (VAS).

Ekal Nari Shakti Manch focuses on single women and works to ensure that they have a secure place in the family and society, and to get property rights for them. ActionAid's support for the Ekal Nari Sangham (widows' association) is not an act of charity, but is a move to help women claim their rights and get on with their lives.

She further added that Single women who are widowed, abandoned, deserted, never-married though estimated at least 40 millions, continued to be invisible to the government that they have been excluded in Census and Govt welfare programmes. Towards this end, Actionaid supported the National Forum for Single Women's Rights which is advocating seeking to be counted with better access to social security schemes, health and education. The continuous advocacy has resulted that 2011 Census has included Single Women as a special category, 12th Five Year Plan has emerged with special schemes for Single Women and in 2013-14 financial budget, the finance minister Dr. P.Chidambaram proposed to provide an additional sum of Rs. 200 crore to the Ministry to begin work on the issues of widows and single women.

Summing up the speaker's experiences, Ms. Lopamudra extended thanks to all dignitaries, spokes persons and participants on the Dias.

### **3.6 Session IV: Women Land Rights in Odisha**

Extending a warm welcome to the 2nd day's program, the moderator of the session Ms. Sharanya Nayak said that the Indian Constitution proclaims women are equal to men, and India's laws give women rights over property. But in a primarily patriarchal culture, wide disparities in property rights are found to be deeply rooted in tradition. The weak implementation of

progressive laws is primarily responsible for multiple threats to the security of women's lives and living. The state of Odisha enacted a number of progressive land reform laws post-independence. The state government prioritized providing land to the landless to achieve economic development along with social justice for the weaker sections of the society, but women were some where missed from the prioritized strata. She further invited the panellists of the session Shri Fakir Charan Rout (SMPUP), Shri Bidyut Mohanty (SPREAD), Ms. Sarita Pradhan, Gender Specialist, Landesa and Shri Kishore Mishra, Tahasildar, Buguda to discuss about the movements happened in the state Odisha in the midst of laws such as Hindu Succession Act vs Vasundhara Yojana, OGLS, Land Reformation Act and OPLE etc towards addressing the land rights of women, especially of 'Single Women'.

Presentation on 'Women & Land' by Ms. Sarita Pradhan (Gender Specialist, Landesa)

The presentation of Ms Sarita Pradhan about the land issues in the state under different Acts went on as follows.

Women's access to land

- Women having effective and independent rights in land,
  - effective rights being rights not just in law but in practice;
  - independent rights being rights that women enjoy in their own capacity and independent of those enjoyed by men
- Access to land through legal rights to women, through three avenues:-
  - Inheritance of landed property;
  - Government allotment of ceiling surplus land
  - Gaining contractual access to land through tenancy, license, common property resources, minor forest produce

Hindu Succession Act of 2005

- HSAA is above any state law and is a landmark
- In a Joint Hindu family the daughter of a coparcener shall,-
  - by birth become a coparcener in her own right in the same manner as the son;
  - have the same rights in the coparcenary property as she would have had if she had been a son;
  - be subject to the same liabilities in respect of the said coparcenary property as that of a son

- The Hindu Succession (Amendment) Act, 2005, came into effect 9.9.2005, grants a daughter in joint Hindu family the same right as her brother as a coparcener.
  - she is entitled to a separate assessment in respect of assets received on partition of the joint family with herself

#### OGLS: Odisha Government Land Settlement Act

- Odisha Government Land Settlement Act 1962 (OGLS) : Allocation of suitable Government land in the name of a homesteadless person as defined under OGLS Act sec. (2)(b-3) subject to the availability of leasable land.
- The extent of land to be allocated to individual households depends on the availability of leasable Govt. land (at least 1/10 acre) within the village boundary or adjacent villages

#### OPLA: Odisha Prevention of Land Encroachment Act

- Regularisation of current occupancy: Eligible homesteadless families residing on leasable government land are regularised
- Odisha Prevention of Land Encroachment Act (OPLA ) Section 7 (2 )( b) - Where any land is in the unauthorised occupation of a homestead less person, which is being utilised by him as homestead, the Tahasildar shall, instead of evicting such person, settle the same with him, so, however, that the land so settled with him shall not exceed one-tenth of an acre

#### VASUNDHARA

- Project Vasundhara launched as mission mode programme.
- Aim and objectives of the project
  - distribute Government waste land to landless families for agricultural purposes
  - distribution of house sites to homesteadless families.

#### Orissa Land Reforms Act, 1960

- Section 2(21) of the Act defines a "person with disability"
  - widow, or an unmarried woman, who is divorced or separated from her husband by a decree or order of a court or under any custom or usage having the force of law are included within the purview of a person with disability. Section 6 of the Act permits a "person with disability" to lease out his land to tenant.
- Section 37 Definition of

- "family" in relation to an individual, means the individual , the husband or wife as the case maybe , of such individual and their children , whether major or minor , but does not include a major married son who as such has separated by partition or otherwise before the 26th day of September 1970

#### What Needs to Be Done

- For Improving Women's Claims in Private Land Gender equality in inheritance laws
  - Legal literacy and legal support services
  - Village-level recording of women's shares
  - Social and economic support for women
  - Changing social attitudes

#### For Improving Women's Access to Public Land

##### Gender equality in public land distribution in:

- Land reform schemes
- Resettlement schemes
- Other schemes, such as those initiated under poverty-alleviation programs

#### For Improving Women's Access to Land Via the Market

- Subsidized credit for land purchase or lease
- Land purchase or lease via group formation, and group cultivation of such land

#### For Improving the Viability of Women's Farming Efforts

- Agricultural extension services and other infrastructural support for women farmers
- Resource pooling and group investment in capital equipment; cooperative marketing
- Women's effective presence in village decision making bodies
- Gender sensitizing through the media, educational institutions, for changing social norms and social perceptions.

Towards the end of her presentation, Ms. Pradhan also explained the activities of Women Support Centre in facilitating land access under different schemes and policy guidelines. She also displayed a video documentary about the activities of Women Support Centre, Ganjam on the occasion.

Shri Fakir Charan Rout (Samuha Marudi Pratikar Udyama Pratistahan)

Speaking on the theme Shri Fakir Rout said women and land rights are one of the most crucial issues of any society that is trying to bring in equity and justice. Access to land is a necessary condition for poverty alleviation, and so an adequate legal framework for land rights to women, is more than essential. It was increasingly understood that the denial of inheritance of land rights especially in a patriarchal system has contributed to the subordinate status of women. Therefore, the Hindu Succession Act 1956 as well as several other legislations has been amended keeping in mind a gender-just approach.

Though elaborate provisions have been made to ensure land rights to women in the practice, this has not always been followed. Women's legal rights in land conflict with deep-seated social norms and customs, and are rarely recognized socially to be legitimate. There are strong pressures, reinforced by social stigma, seclusion practices, and other pressures on women to give up their legal rights in favour of their brothers. Women tend to internalize the imposed social restrictions because they feel that they may find themselves dependent on their brothers for economic and social support in the event of widowhood or marital breakup.

In 2005-06, the Government of Odisha introduced a homestead plot allocation programme called the Vasundhara scheme. But it did not specifically recognize single women, even when they otherwise satisfied the programme's eligibility criteria. The current land distribution schemes do not identify such single women as families; therefore, do not make them eligible as beneficiaries for land allocation.

Sharing his experience with the initial period of Ganjam Women Land Rights project, Shri Rout said that the identification process was not proper and many vested interest people tried to take advantage of the scheme causing misappropriations. Another issue encountered during the program implementation was that the lands found homestead in record and allotted to women beneficiary is later found to be non-homestead. He also raised his concern about the institutional non functionality and lack of interest of revenue officials in some tahsils in his address.

Shri Bidyut Mohanty (Secretary SPREAD)

Speaking on the occasion, Shri Bidyut Mohanty said, control over land and property matters are deeply linked with power structure. Giving the instance of land scams of politicians and bureaucrats, he said money and power governs land distribution and women being poor and powerless are not able to fall behind the structure.



To share his experience with the land rights project in Koraput, Shri Mohanty said that the Govt. of Orissa in October 2002 decided that atleast 40% of the Government wasteland allotted for the agriculture and house site purpose, ceiling surplus, land and Bhoodan land may be allotted to widows, unmarried women, victimized women and women living the poverty line as far as practicable. In distribution of government land there should be provisions for the members of SC/ ST and at least 40%land should be allotted to women belonging to SC/ ST. But study reveals that there was hardly any data with revenue dept on how many single women have been allotted with land under such program. Similarly single women are not given specific importance under OPLE Act in the district.

He further added that the Revenue Inspectors possess the responsibility of identification of beneficiary and also the demarcation of lands. But due to their insufficiency of work, potential beneficiaries are getting excluded from getting the benefits of the schemes.

As per the Hindu Succession Act 1956 (Amended in 2005), these single women are entitled to receive a share of land from their paternal or in-law's families but negotiating such rights in an overtly patriarchal set up that exists in rural areas becomes extremely difficult. While describing whether joint titling was helpful, he said the time has come to re-examine the effectiveness of joint titling and consider exclusive land ownership as a means to ensure women's land rights. To conclude, Shri Mohanty said establishing land rights of Single Women in present context are a critical matter. With a comprehensive exclusive Act and proper legal support to institutionalize the process may be helpful in this regard.

Shri Kishore Kumar Mishra (Tahasildar, Buguda)

Speaking about the land rights of women, Shri Kishore Kumar Mishra said that women in our country are constrained to own, control, and access land. In addition, structural and socio-cultural factors prevent women from realizing land rights conferred by customary or formal laws. Women may not be fully aware of their rights to land. Those who implement or enforce those rights - typically men - may lack awareness of the extent of women's rights. Moreover, if a woman claims a right to land, it can result in household conflict and the loss of support from extended family, social and economic costs that women may be unwilling or unable to bear.

In a pioneering attempt to support single women who have not been reached by land entitlement and social security schemes, the District Administration of Ganjam district, Odisha, wanted to launch a comprehensive program on Land Rights for the Single Women of the district in partnership with Actionaid. The project working strategy was to set up of Women

Support Centres (WSC) in each of the Tahasils in the district, which acted as a single window delivery system to allocate land to women under various state laws and schemes, said Shri Mishra.

Giving the status of Buguda tahasil, Tahasildar Shri Mishra said in Buguda, 3673 numbers of formats were received out of which 534 numbers of women were found eligible after field verification. Till date 100 numbers of case records have been prepared and 70 numbers of single women and women headed households have received patta under OPLE scheme. Few of the beneficiaries also have received housing grant under Indira Awas Yojana and have started constructing house on the received land. Women have also been able to access other social security programmes of the government.

This initiative connected the identified women with welfare programmes such as housing, MGNREGA, food security, pensions, sanitation, livelihood and agricultural extension programmes in addition to secure land rights. Land titles enabled women get residency, income and caste papers that helped enrol their children in state-run schools for free education and other essential government services. Women also form collectives to manage community resources and participate in the development process.

Speaking about the problems associated with land allocation, in some cases women who are given title couldn't occupy the land due to encroachment and mass objection by some villagers. He requested Actionaid to consider these issues in future goal setting so that women can avail their possession over the land they are allotted in their name.

Ms. Sharanya wrapped up the discussion of the session with a vote of thanks message.

### **3.7 Session V : Agenda for state and national policy**

The session was moderated by Shri Sandeep Pattnaik (NACS). To speak on the objective of the session, Shri Pattnaik said that the land rights can serve multiple functions in rural women's lives and would empower them to challenge the socio-economic and political inequalities prevalent in the rural-semi feudal society. The Twelfth Five Year Plan emphasised on enhancing women's land access, specially the single women to address their socio-economic vulnerabilities. To ascertain the rights of women on lands with Single Women as special category whether a policy is needed, if so then what should be the preamble of the policy that will sharply address the gender prospect and land and property angles etc will be discussed in the session, Shri Pattnaik explained and invited the panellists Ms. Sashiprava Bindhani (Women Rights Activist), Ms. Sanjay Pattnaik (Country Director, Landesa), Mr. Ravi.S.K (Senior Program

Manager, Actionaid), Mr. Byomkesh Kumar Lal, Ms. Shilpa Vasavada (WGWLO, Gujarat) and Dr. Binni (Coordinating Director, ENSS, Jharkhand) to the Dais to speak on the following four prospective.

- How the land rights of Single Women can be put in a larger discourse
- Why it is important to have a policy for Single Women
- What are the possible challenges
- What will be the roadmap to strengthen the campaign of the land rights of the Single Women

Ms. Sashiprava Bindhani (Women Rights Activist)

"Policy at this level is obligatory to realize social equity for the disadvantaged", said Ms. Bindhani. Presenting the apathy of the widow, elderly women in the shelter homes, Ms. Bindhani said they are deserted by their own family members, their sons and their relatives. At the late period of time, they often face health issues which nobody looks into. The unwed mothers in the shelter homes face tremendous reproductive health issues which they neither able to disclose nor do they get any treatment. The proposed policy may include the health aspects of the single women through health insurance schemes.

The Policy also should clearly mention the definition of 'Single Woman', their identification criteria to ensure every vulnerable category of women's access to secure and efficient land rights. The institutional mechanism to implement and monitor the process and budget allocation should be perquisite of the policy. Ms. Bindhani proposed.

Shri Sanjay Pattnaik (Country Director, Landesa)

Speaking on the topic, Shri Sanjay Pattnaik said there are plethora of Acts and Policies at Central level as well as state level to ensure land rights to landless people. The Five Year Plans come with agenda for the poor and marginalized class with different schemes and opportunities. Budget allocations are made and Crores of rupees are spent on the cause. Setting up of land alienation process, redistribution of resources, regulations of lands are done through different plans and programmes to reduce social inequalities. Though elaborate provisions have been made to ensure land rights to women in the practice this has not always been followed. There are significant gaps between women's land rights and their actual ownership and possession and between the limited ownership rights and their effective control over land even after 67 years of independence.

He further suggested "if we are now speaking about a new policy, we must first ensure proper

institutional framework for the appropriate implementation of the policy and its regulations."

The state policy should properly assess the district wise diversities and accordingly set up guidelines in the policy. Gender segregated data should be accumulated before forming the policy and the existing policies may be relooked from a gender lens and summarized to be brought in the new policy guidelines. The convergent approach of land ownership, livelihood support may be followed through all concerned Dept. such as Women and Child Dept, Revenue Dept, State Livelihood Missions to ensure land and livelihood security of Single Women.

"The Supreme Court of India ruled that the land belonging to scheduled castes or tribes cannot be bought by non-dalits as such transactions are unconstitutional. Similar rules should be there in the proposed policy so that women owned land can not be trapped by others". Shri Sanjay Pattnaik recommended.

Ms. Shilpa Vasavada (WGWLO, Gujarat)

About the proposed policy, Ms. Vasavada had following suggestions.

- The purpose of the policy should be to explore the basic framework geared towards Gender Equality in property and land rights. An integrated approach may be proposed in the policy outline framework which will be filled in by all concerned Depts .
- The Policy could be a part of the National Policy Framework for Women Empowerment.
- Clear strategy should be mentioned in the policy guidelines that how the framework will be translated into action.
- The policy should have provisions to handle the issues of widows who are forced to transfer their land to their relatives
- Land Record updating criteria must be mentioned in the proposed policy
- The policy should clearly spell about 10% of reservation for Single Women in the land allocation system to the landless
- The policy may give importance in formation of Single Women cooperatives
- In all property inheritance Acts, there should be provision of partition of the ancestral property with equal share to daughters.

Dr. Binni (Coordinating Director, ENSS)

- The property rights of women are governed by different laws, like Hindu Women rights are given through Hindu Succession Act, Muslim women rights are decided by Muslim personal laws and so on. A National level policy should be framed asserting rights of women under a common framework.

- The policy should have provision for homestead land along with agricultural land facility ensuring the farming rights and livelihood and food security of single women.
- Mass level campaigns to change the societal mindset may be given utmost importance under the policy framework.

Shri Byomkesh Lal

- To ensure that "every shelterless poor family has a right to hold homestead of not less than 10 cents (0.1 Acre) , a draft Bill titled "National Right to Homestead Bill 2013" was proposed by previous Govt which had significant features towards access to homestead land. The Bill came after continuous pressure building through campaigns by CSOs.
- The Bill couldn't be placed in the assembly. Considering its progressive features, attempts could be made to bring the Bill with inclusion of additional features from gender prospective.
- Issuance of land title and ensuring the possession is a herculean task which can't be done effectively with current human resource capacity of the revenue dept. Hence the vacant posts in every district and also at state level should be filled up with immediate action.
- Enumeration can't be time bound plan. Homeless is a ongoing phenomena and hence enumeration process should be an ongoing process
- Linkage of homestead land with housing benefits, water & sanitation facilities and other social security schemes may be given space in the proposed Bill. Accountability of the concerned depts. in making the benefits available to the Single Women should be maintained in the proposed Bill.
- Sensitization program for Revenue officials, Line Depts. PRI members should be given emphasis in the policy framework.

Shri Ravi S.K (Program Manager, ActionAid)

Giving his opinion about the policy formulation, Shri Ravi S.K said that the Planning Commission is pushing for special dispensation for single women, particularly those who are single by choice, under various government schemes in the 12th Five Year Plan. Hence a National prospective may be built where Policies, programmes and systems will be established to ensure mainstreaming of Single women's perspectives in all developmental processes. Before speaking about the policy, the state and national level plan of actions are to be relooked.

- The proposed policy should address the gaps in the existing policies and programmes through Single women specific interventions.

- The allocated budget of 2000 Cr. may be spent on Single Women specific interventions.
- Since there has been critique that policies are formulated by those who are not able to internalize the issue, the proposed policy should include Single Women in the team to make it more responsive to the specific issues.

Coordinating and monitoring mechanisms will also be devised to assess from time to time the progress of such mainstreaming mechanisms.

The Moderator of the session Shri Sandeep Pattnaik then called the house for open discussion, where the following recommendations were made about the Policy formulation for Single Women.

- Digitalization of the land records is to be prioritized with clear mentioning about the type of revenue land and forest land. All unidentified villages are to be surveyed at the earliest to give the revenue village status. This will ensure inclusion of more number of Single Women under the land rights program.
- Panchayat level Resource centres may be established to give information about the policy, schemes and procedures to the rural women.
- A responsive institutional framework may be established
- A minimum of 10 Decimil homestead land may be allotted to Single Woman, so that they can promote Kitchen garden towards food security.
- Women's perspectives be included in housing policies, planning of housing colonies and provision of shelter both in rural and urban areas.

The two days long consultation was round up with formal vote of thanks by Shri Ghasiram Panda.



## Section 4 :

**Where do we go from here?**



## Section 4 :

# Where do we go from here?

### 4.1 Recap of vital points

The Planning Commission has proposed special dispensation for single women, particularly those who are single by choice, under various government schemes in the 12th Five Year Plan. In addition to reserving a certain percentage of jobs for single women under centrally sponsored schemes, the plan panel has proposed promoting and strengthening federations of single women at the block and district level. The Planning Commission has proposed that schemes like the Indira Awas Yojana and the Mahatma Gandhi National Rural Employment Guarantee Scheme should earmark a percentage for single women.

The Odisha State policy for girls and women 2014 states to prioritise benefits to all vulnerable women including single women under housing and land ownership programmes through appropriate definitions

However field study reveals that the inclusion of single women in land distribution schemes by itself may not be sufficient to address the vulnerabilities. Thus house building assistance is essential and also support towards a sustained livelihood. The qualifying conditions for being a single women would be presently landless and above the age of 18 years. Additionally, she is a widow or deserted (husband not returned since 10 years or more) or divorcee or senior citizen or disabled (at least 40% disability) or never married.

### 4.2 Recommendations: Procedural and Substantive

Despite the activism and enthusiasm shown by many state governments and non-governmental organizations, majority of the women still lack the physical possession and control of land and property. The issue is deep-rooted in the male dominated societies and the lack of property as an economic and financial safety net has perpetuated the subordinate status of women. In most cases, as the greatest hurdle is the kin itself, women are unable to speak up against their

own families as they might be ostracized by the whole community. In such a scenario, real and practical steps must be taken in order to increase women's ownership of land, which will give them the strength to participate in the decision-making process and guiding the community towards a sustainable well-being.

First and foremost, the policies propounded by a state must be non-discriminatory and gender sensitive. They must also be reflective of the multiplicity of the types of discrimination that women face in the issue of land rights. Thus, variables such as race/ethnicity, religion, caste, class, etc. must be incorporated along with gender specific dichotomy as each combination requires a unique solution. The problem faced by a dalit woman in acquiring land cannot be compared to that faced by a woman of a higher caste. The movement for land rights is further complicated as many, sometimes undefined, categories of women such as widows, abandoned women, single women, are involved. These are some of the challenges to the formation of a coherent policy for women's land rights. Therefore, it is imperative that different groups of women be treated separately so as to effectively find a solution to their problems.

The identification and categorization of single women in the context of land rights has to be based on social realities and also linked the gamut of social protection, welfare and food security schemes and programmes. In isolation single women will stand to loose and thereby be bypassed in any enumeration. Getting counted itself is the first and basic step for giving the single women an identity.

Most developing countries depict some level of legal pluralism and but women in our country are often wrongly deprived of their rights and claims. Organizations must support women in the face of discriminatory customary and religious laws by providing them with relief in terms of productive resources and loans/credit, while simultaneously engaging the religious and customary leaders in a gender-sensitive discourse. The government must make sure that legal aid and legal services are easily accessible to women and are provided to them at an affordable cost. Such an ease of accessibility can help women claim their right of landed property when wronged. Apart from this, the government should ensure that there is joint administration of marital property, especially in rural areas. Joint titling of land, property, housing and productive resources is also necessary so that the women is self-sufficient in the case of her husband's death or divorce and does not have to depend on other male members of the family. Inheritance is key to women's access to property and therefore, the proper implementation of inheritance claims must be ensured.

While these changes and recommendations are important, generating awareness and bringing about a change in people's mindset poses the most difficult challenge. A society based on a

patrilinear system will undoubtedly be discriminatory towards women. Therefore, it is necessary to educate the men and women involved in decision-making about the pros of providing women with the control of their share of land. An economically secure woman will invest more in the protection of the environment and her surroundings and in the future of her children. If more women gain security through access to land, they can collectively lead to a more sustainable growth. An important aspect in this context is to relook at the concept of the head of household, which gives the male member of the family authority as well as identity, making the women voiceless. Participation of women in the decision-making process, both at a collective level and at the domestic level must be ensured. This can be done by increasing awareness regarding the available legal mechanisms and through training and skill-development programmes.

While the policies may be sound, there is often a striking chasm between law and implementation. Thus, there is a need for capacity-building on women's rights and other gender sensitive issue areas and training of all those in charge of implementation.

Specific recommendations:

#### **Who are the single women**

- Single women categorization include deserted women, widows, divorcees. Over arching condition is presently landless and above the age of 18 years. Additionally, she is a widow or deserted (husband not returned since 10 years or more) or divorcee or senior citizen or disabled (at least 40% disability) or never married woman.
- Women staying in the shelter homes have no access to property and are equally vulnerable and hence may also be included under the land rights programme.
- Enumeration of women and sex disaggregated data is key to institutionalizing any women specific entitlements
- Clarity on eligible women who are to be included in land distribution and house building schemes is required at policy level as well as in practice level.

#### **Gender sensitive policy and programmes**

- The state Government has to not only develop gender sensitive policies and programmes related to land and housing but also implement in true spirit for example the recently adopted Odisha State Policy for Girls and Women.

## **Land and administration**

Proper care and caution is to be taken while demarcating land that is to be distributed to the beneficiaries. Special care to be given while handing over the land which is litigation free. Unauthorized encroachments are to be made clear by the administration to ensure physical possession of the single women. Location of land allocation should be in consultation

- The revenue administrative system has to be revamped with proper fund allocation and personnel appointments. Capacity building of revenue officials should be given due emphasis on gender aspects.
- Land rules should be such that women owned land can't be appropriated by others.
- Access to land, finance and other productive resources are critical for women about which the concerned administrative departments have to be pro active.
- Homestead, agriculture, forest, common property resources are to be put under one umbrella for better and efficient land management system.

## **Panchayats, local grassroot organizations and workers**

- Panchayat level Resource centres may be established to give information about the policy, schemes and procedures to the rural women. The knowledge base of the women in general has to be strengthened. Laws and schemes related to land, violence against women; schemes on livelihood, etc has to be communicated to the women in general and vulnerable women in particular.
- Panchayat functionaries particularly women representatives should play an active role in enumeration and implementation of land distribution
- Women Self Help groups should be tagged in all land and housing related identification, distribution and execution aspects with adequate capacity building interventions..
- Local community organisations, women's groups need to be roped in all capacity building exercises on women related schemes and programmes
- Grassroot workers in the village and panchayat level have to be given a specific role and appropriate remuneration

## **Convergence**

- Homestead land allotment should be made in a convergent manner including housing building assistance, electricity, water and sanitation facilities alongside the sustainable livelihood option to address the vulnerabilities of single women.

- Convergent approach of land ownership, livelihood support be followed through all concerned Depts. Such as Women and Child Dept, Revenue Dept, State Livelihood Mission, Panchayati Raj, Housing and Urban Development to ensure land and livelihood security of Single Women.
- Appropriate ground level institutional mechanism for convergence is to be established

#### **Social protection**

- Single women are the most vulnerable and thus all social protection entitlements should flow to them. Coverage under widow pension, disability pension, old age pension should be monitored.
- Coverage under maternal health programmes, food security Act, workers welfare board etc are some other entitlements that should reach the single women.
- Marriage registration be made universal and compulsory



INSTRUCTIONS: PLEASE TICK WHICH CATEGORY THIS CASE STUDY FALLS IN AND WHICH CROSS CUTTING ASPECT. IN CASE OF A NEW CATEGORY, PLEASE ADD THE NEW CATEGORY IN THE ABOVE LIST. PLEASE CONVEY TO THE RESPONDENT THAT THE CASE STUDY IS FOR THE PURPOSE OF RESEARCH AND NOT FOR IDENTIFICATION FOR LAND DISTRIBUTION. ALSO THE WOMAN CONCERNED SHOULD ANSWER HERSELF. NOBODY ELSE SHOULD CONTRIBUTE TO HER ANSWER. SHE SHOULD TALK AS PER HER UNDERSTANDING AND PERCEPTION. NO OUTSIDER/ OTHER FAMILY MEMBER SHOULD ANSWER ON HER BEHALF. THERE MAY BE MANY DONOT KNOW AS ANSWER. THIS TOO SHOULD BE CAPTURED.

**Objectives:**

- To do the situation analysis of the status of the single women including their experiences of violence and violation of their rights, their use of relevant laws and policies in seeking justice.
- To identify different categories under which single women can be defined.
- To spell out strategies to address the issues of single women through different programs of women and child development and other line departments.

Date ..... Time ..... Location of interview.....

1. Name
2. Age
3. Caste
4. Religion
5. Present location: Village....., GP....., Block.....
6. Currently Married/ unmarried/ widowed/ deserted/ divorced/ any other
7. How old were you when you married
8. Do you have any children ( gender and age of each)
9. What is the highest level of your education?

10. Who are the members of your household
11. How long have you lived in this location
12. (If moved back home without husband)
  - a. Where did you live after you married
  - b. When did you return to your parents home
  - c. Why did you return to your parents home
13. (if widowed) when did your husband pass away
14. What kind of work do you do outside the home (for cash income and type of work)?  
What is the range of total income of self annually?
15. Do you or your husband own land ( agricultural, homestead, forest , others)
16. If yes to agricultural land, what is the size? When did you receive the land? How was it acquired (eg inheritance, purchase, govt scheme)?
17. Do you have a patta for the land? Whose name is the patta?
18. What is the land used for now? What crops do you grow?
19. Who decides to use the land this way? If crops are planted, who decides which crops to plant?
20. If crops are sold, who decides what to sell?
21. If sold, who decided who to spend that money earned?
22. If widowed
  - a. Who owns the agricultural land now?
  - b. Has there been a mutation of the patta?
  - c. If son owns the land now, does he provide for you?
23. If yes to homestead land, what is the size? When do you receive the land? How was it acquired (eg inheritance, purchase, govt scheme)?
24. Do you have a patta for the land? Whose name is on the patta ?
25. Are you currently living on the homestead land that you have a patta for? If not, why not?
26. Can women in this community lease land?
27. Do you or any one in your household lease land?
  - a. What are the terms of the lease?

- b. Are you a party to the lease or some one else in the family?
  - c. Who is the land lord ( not specific name but type of person, caste etc )
  - d. How much land?
  - e. How long have you been leasing land?
  - f. What are the terms of the lease?
  - g. Do you have a written lease?
  - h. What crops do you grow?
  - i. Why did you choose to lease land?
  - j. Is leasing common in this area?
  - k. Is it common for women to lease land?
  - l. Do women face any problems trying to lease land?
28. Who do you think will inherit the land (agricultural or homestead)?
29. Who will decide who will inherit the land?
30. If daughters are in the family and if they will not inherit, why not?
31. What does the law say about inheritance of land?
32. If unmarried at home or returned home
- a. Will you get a share of your parents land? If yes, what share? If no why not?
  - b. Will you ask for a share of your parents land? If yes do you expect that you will get it?
  - c. If you had a conflict with your brothers over the land, who would go to for help?
  - d. How long will you stay in your parent's home?
  - e. Who will inherit your parents land?
  - f. What does the law say about inheritance?
  - g. If you must leave here where will you go?
33. If completely land less
- a. Who owns the land where you are now living?
  - b. Do you know of any schemes that would provide land? Do you know how to apply?
  - c. Would you be able to go to apply for land on your own (and visit the tehsildar) or would someone need to accompany you?
  - d. What would be the benefits of having land?

34. For widows
- a. Is there a difference in the life of a widow who owns land and a widow who does not own land?
  - b. If yes, what are the differences
  - c. Can a woman or a widow in this community lease land?
35. Are you a member of a SHG?
36. Are land issues ever discussed in your group?
37. If your husband (or son) wanted to sell the land and you did not, how would you solve the conflict?
38. In your opinion, who is a single woman? What are her vulnerabilities?
39. How can land rights address her vulnerabilities?
40. Does owning land make single women more vulnerable or more empowered?
41. Is having just land sufficient? What more is needed? Like house building assistance... any other?
42. If one has land, then do you occupy it immediately? If yes, how, when? If no, then what are the problems?
43. If a Person with Disability, what does land mean to you? What will you gain by having a piece of land? In whose name would you want it?
44. What is having land in one's own name signify, what meaning does it hold to you?
45. Belonging to a vulnerable community, what is the significance of land rights?
46. Do single women face violence? In what form? How? By whom?
47. What do they do for redressal for instances of violence?
48. Do you have anything else you like to let me know? Do you have any questions for me?

INSTRUCTION: PLEASE TAKE A PHOTO OF THE RESPONDENT. THE RESEARCHER HAS TO WRITE THE CASE STUDY IN ABOUT 500-600 WORDS IN ENGLISH WHICH INCLUDES A TITLE OF THE CASE STUDY, BODY OF DESCRIPTION AND CONCLUSION.

## ANNEX B : Key Informant Interview Questions

Date..... Time .....location of interview.....

1. Name?
2. Age?
3. Marital status?
4. Caste?
5. Religion?
6. Occupation/ Designation?
7. Location: Village ..... GP..... Block.....
8. Highest level of education:
9. (For SHG office bearer) What is the name of your SHG? What office do you hold and for how long?
10. (For RI, PRI members) How long have you been held this position?
11. How many village / households are in your jurisdiction?
12. How large is the SC/ST community?
13. What is the extent of poverty in your area?
14. What percentage of your constituents has agricultural land holdings?
15. What percentage is completely landless (including no title to homestead land)?
16. What types of work do poor families typically find in this area?
17. Is there significant migration out of the area for work?
18. If yes, who migrates and for how long?
19. If yes, do they usually send money back to the village?
- a. What are the significant land issues that families face in this community?
20. What are the significant land issues that women face in this community?
21. Are you aware of any government schemes that provide land? What have you heard?
22. How many households have received land from the government? Under what scheme? (Ceiling land, assigned land, FRA, Vasundhara)
23. Do all the beneficiaries have possession over the land? Have they constructed houses?
24. What are the major difficulties faced by land beneficiaries in your GP?
25. Whose names are being included on the patta for Vasundhara? Are both husband and wife on the patta?

26. What is your opinion of joint titling? Do you see any benefits?
27. Are there many female headed households receiving a Vasundhara plot?
28. Are many households leasing in land?
29. Generally, what happens to a widow's land after her husband passes away? Does she keep the land? If sons get the land, do they take care of their mothers?
30. Do daughters ever inherit land? If no, why not?
31. What does the law say about inheritance rights for women and men?
32. Are women in this community comfortable asking for their land rights?
33. If not, why not?
34. (For SHG Woman)
  - i. Has your SHG ever provided loans for women to lease or buy land? Tell me about them.
  - ii. Has your SHG ever discussed land rights in its meetings?
  - iii. Do you think SHG groups would be interested in learning about land rights?
35. What are the most significant land problems that your jurisdiction/community is facing?
36. In your opinion, who are the single women who should get land? What should be the criteria?
37. What are the benefits if single women get land?
38. Are there any problems if single women get land in their own name?
39. Do you know if any single woman has got land?
40. Do you know if any single women are left out land distribution?
41. What should be done to include all types of single women into land distribution process?
42. Is there anything else you would like to tell us?

INSTRUCTION: PLEASE MAKE A SYNOPSIS OF THE ANSWERS OF EACH KEY INFORMANT IN ENGLISH WITHIN 200-300 WORDS WITH KEY ISSUES IDENTIFIED AND RECOMMENDATIONS.



**INSTRUCTION**

1. Introduce yourself and the members of the study team, and everyone's affiliations.
2. Explain purpose of the focus group discussion: to learn about single women and their land rights in this village, to gather information so that we can make recommendations to the government.
3. We cannot provide you with anything directly, or help you resolve any specific land problems, but we can make recommendations to the government about how to help this community.
4. There are no right or wrong answers to these questions. We want to hear about your experience, your knowledge, and your opinions.
5. There should be not more than 15 people in the FGD.
6. Please ensure that only selected category persons are present and participate in the FGD.
7. In case of variety of answers to a question, note all the responses and the corresponding number of people for that response.
8. TAKE A PHOTO GRAPH OF THE FGD
9. Category of participants
  - I. Women Received Patta
  - II. Women Action Group
  - III. Applied but rejected
  - IV. Women have received Patta & 3 Lakhs
  - V. General Women
  - VI. Received Patta but no Physical Possession
  - VII. Adolescent Girls
  - VIII. Only Men

### Basic Information

1. Location : Village ..... GP.....Date..... Time.....
2. Total participants
3. Category of participants.....
4. Fill format
5. Is everyone present from the same village? What is the name of the village?
6. How many families are there in the village?
7. Who owns agricultural land? How much land?
8. How was it acquired?
9. Do you have a Patta?
10. Whose name is on the patta?
11. Who owns homestead land?
12. How was it acquired?
13. Do you have a patta?
14. Whose name is on the patta?
15. How many landless families would be there in this village? Are there any women headed households? Are there any single women? Are such women with or without land?
16. What kind of work do you do? Cultivation? Agricultural labour? Any other.
17. Do people in this village migrate for work? How common is it? Where do they go? For how long?

### Inheritance

1. Do men commonly inherit land? From whom?
2. Do women commonly inherit land? From whom?
3. When do men usually receive their inheritances (for example, at marriage, at death of parents)?
4. When do women usually receive their inheritances (for example, at marriage, at death of parents)?

5. Are inheritance transfers usually legally recorded or registered? If so, when is this usually done (for example, at the time for the transfer, upon the death of the original owner)? How is done?
6. Do all sons inherit equally or unequally from their parents?
7. (If daughters inherit land) Do all daughters inherit equally or unequally from their parents?
8. If daughters inherit land from their parents, do they normally keep this land themselves? If not, what usually happens to this inherited land?
9. If daughters do not inherit land, why do they not inherit?
10. If a daughter never marries or will never marry, will she inherit land?
11. When men have a problem or conflict over acquiring their inherited land, where do they go for help?
12. When women have a problem or conflict over acquiring their inherited land, where do they go for help?
13. What does the law say about inheritance? For men? For women?

#### Homestead Land

1. Are there households in this community who have no homestead? Where do they stay?
  2. Are there households in this community who have a homestead but no patta?
  3. Are there households in this community who have received a homestead under Vasundhara or any other scheme?
  4. Are there households in this community who have received a house under IAY/Mo Kudia/ any other scheme?
    - a. If yes, has your family constructed a house?
    - b. If no, why haven't you constructed a house?
    - c. If you have constructed a house, have you moved to the plot?
    - d. If no, why not?
- Do you have a patta for the land?      Whose name is on the patta?

10. If you have an IAY house, do you have a patta for the land?
11. If you have no patta, how did you manage to get an IAY house when it is mandatory for an IAY house?
12. Who are the single women in your village? How can they get land and house building assistance?

### **Government Land Allocation**

1. Have men or women in this community received agricultural land from the government (for example, assigned land, ceiling land)?
2. When a household receives land from the government, whose name is on the patta?

### **Titling**

1. What does it mean when the patta is in the name of both the husband and wife? (What rights do they have?)
2. What does it mean when the patta is in the name of the husband only?
3. What does it mean when the patta is in the name of the wife only?
4. If a married son inherits land from his deceased parents, whose name will be on the patta? The son? The son and his wife?
5. If a husband migrates, who takes care of the land (homestead and/or agricultural)? If the wife takes care of the land, does make a difference whose name is on the patta? (for example, if the patta is in the husband's name, would that cause difficulty for wife for getting loans, making decisions etc.)
6. What kind of patta is best? Why?
7. What should be done for single women titling?

### **Marital Property Practices**

1. When couples first marry, where do they establish residence?
2. How common is dowry in the village? How much is paid?
3. Does dowry ever include land?
4. If new land is purchased while a couple is married, is it considered to belong to the husband, the wife, or both?

5. If the land is jointly titled and a married couple separates or divorces, what happens to the land?
6. If the land is titled in the name of the man and a married couple separates or divorces, what happens to the land?
7. If the land is titled in the name of the woman and a married couple separates or divorces, what happens to the land?
8. If a husband dies before his wife, what happens to the land?
9. If a wife dies before her husband, what happens to the land?
10. Are there widows in the village who have lost land after their husband died?

### **Single women**

1. What do we mean by single women? Are there such women in your village?
2. What do such women get as welfare benefits? Are all such single women covered?
3. If any left out, why do you think so? Are the govt regulations not appropriate or women don't apply or any other reason?
4. What are the vulnerabilities of such single women?
5. What is needed to remove such vulnerabilities?
6. Is land necessary for such women? If yes, how much? Why?
7. If no why?
8. How will the govt cover such single women? What should be the eligible criteria?
9. What are the forms of violence that single women face - in family, in community?
10. What is the violence that they face as they have no asset? What can be done or what should be done?
11. Ensuring land to single women will help address violence against them or not?
12. What are your suggestions?

INSTRUCTION: A WRITE UP ON EACH OF THE FGD CONDUCTED HAS TO BE DONE WITHIN 700-800 WORDS WITH KEY ISSUES AND KEY LEARNINGS AND RECOMMENDATIONS.

## ANNEX D : Key Informants at District and State Level

Smt Tilottama Das, Asst RI

Smt Subhashree, Asst RI, Chattrapur

Sri Suvendhu Sahu, Tahasildar, Chattrapur

Sri P C Chowdhury, Collector, Ganjam

Dr Urmi Das, Berhampur University

Prof K C Samal, Bhubaneswar

Dr P I Dash, OAS, Bhubaneswar

Smt R Singh, OAS, Bhubaneswar

Dr P Nayak, Bhubaneswar

NAWO, Bhubaneswar

Advocate Saroj Padhy Additional Central Government standing counsel High Court

Er. Sasmita Behera Ex. Zilla Parishad President, State Convenor, Rajya Mahila Manch

Revenue officials at Chhatrapur : All Tahasildars, ADM & Sub collector.





**National Workshop on “Developing Policies for ensuring rights of Single Women”**

**Date: 19<sup>th</sup> & 20<sup>th</sup> February 2015**

**Venue: Hotel Hindustan International, Bhubaneswar**

**Agenda**

Day & Date	Programme	Moderator
19/02/15 Day – I		
<b>SESSION – I</b> 10.30 – 12.00 noon	Welcome Speech Inauguration by Chief Guest Context Presentation by ActionAid Speech by Guests: Sharing of a case study of a single women from Ganjam who has been issued land patta and now in possession of land Ms. Deepa Prasad, UNFPA-Odisha Dr. Manoranjan Mohanty Ms Snehanjali, Member, State Women Commission Vote of Thanks to dignitaries	
<b>SESSION – II</b> 12.00 – 1.30pm	<b>The space for single women in state policy</b> Sharing of study findings by Dr. Amrita Patel <b>Case study sharing – based on different dimensions of Women land rights</b> <ul style="list-style-type: none"><li>▪ Land and economic empowerment/livelihood</li><li>▪ Land and Security</li><li>▪ Land and recognition/dignity</li><li>▪ Land and women empowerment</li></ul>	B.N.Durga
1.30 – 2.30pm	<b>LUNCH BREAK</b>	

2.30 – 4.00pm	<b>Understanding definition of single women</b> a panel discussion <b>Panellist</b> Dr. Amrita Patel, State Head - SRCMs. Lalita Mishal, NAWO, Odisha Mr. Arvind Behera, (Rtd. IAS) Ex – Member, Board of Revenue, Govt of Odisha Shibabrat Chowdhury, State Director, Landsea - Odisha	Dr. Madhumita
4.00 – 5.30pm	<b>Sharing of experiences/best practices from Other state-</b> Ms. Shilpa Vasavada, WGWLO, Gujarat- Ms. Sushila Prajapati, PO, ActionAid, Gujarat	
<b>20/02/15</b> <b>DAY-II</b>		
9.30 – 10.45am	<b>SESSION – I</b> <b>Women land rights in Odisha</b> (Hindu Succession Act Vs Vasundhara Yojana, OGLS, LAND REFORMATION ACT and OPLE) a panel discussion <b>Panellist</b> Fakira Charana Rout, SMPUP Bidyut Mohanty, SPREED Sarita, Landsea Tahasildar, Buguda, Ganjam	Dr. Madhumita
10.45 – 12.00noon	<b>SESSION – II</b> <b>Agenda for state policy</b> sharing of policy paper followed by a panel discussion <b>Panellist</b> Ms. Sashiprava Bindhani, Women Rights Activist Dr. Manoranjan Mohanty, Academician Ms. Lalita Mishal, NAWO, Odisha Dr. Madhumita, Women Rights Activist	Mr. Sandip Patnaik
12.00 – 1.30pm	<b>Agenda for National Policy</b> a panel discussion <b>Panellist</b> Mr. Sanjoy Patnaik, Country Director, Landsea Mr. Ravi. S. K., Sr. Programme Manager, ActionAid Ms. Shilpa Vasavada, WGWLO, Gujarat	Mr. Byomkesh
1.30 – 1.45pm	<b>Vote of Thanks</b>	
1.45 – 2.45	<b>LUNCH BREAK</b>	

## Registration Sheet

### National Workshop on Developing Policies for Ensuring Rights of Single Women

Venue: Hotel Hindustan International, Bhubaneswar

Date: 19th-20th February 2015

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## Registration Sheet - Media

### National Workshop on Developing Policies for Ensuring Rights of Single Women

Venue: Hotel Hindustan International, Bhubaneswar

Date: 19th-20th February 2015

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14. Suuhandan Kar	Free.	9237940836	
15. R.C Behera		9337716291	
16. K. Raj	Sombud	9776624577	
17. Deb Prasad M.		9439064120	
19. Askhok Mohanty	News India	8908665269	
20. J. P. Mahapatra	Vibrat Adisha	8895659740	
21. P. Sa.	News Odisha	9439831339	
22. S.G. Mohanty	Dharitri	9437001654	
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25. Hemanta Kumar Pradhan	The Pincer	8908808926	hemantapr@gmail.com
26. R.S. Mohanty	Sanmuna	8260005532	
27. RK Sethi	DOORDARSHAN		
28. Akshaya Ku. Sahoo	The AAsian Age	9439176836	
29. Hitesh	The NODAY	8270384370	
30. Priya Ranjan Sahoo	Hindustan	9437220536	
31. Binayak Mohanty	Kalingamail	9124682689	
32. Akshaya Ku. Das	Daritri	9439857247	





A photograph of three women in a lush green field, likely a rice paddy. They are bent over, working with the plants. The woman in the foreground is wearing a white headscarf and a green shirt. The woman to her left is wearing a pink shirt. The woman to her right is wearing a purple shirt and a white headscarf. The field is filled with tall green grass or rice plants.

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