

# Women's rights over land, forest and water

Issues emerging from State level consultation held on 5-6 April 2016

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Women's Studies Centre,  
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Society for Promoting Participative  
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## Introduction

Women are primary agricultural producers, cultivating around 60 to 80 per cent of the food in most developing countries. But the percentage of land owned by women is disproportionately small considering their crucial contribution to agriculture. Often, they do not have secure rights to the land they farm and are denied equal rights to access, inherit, or own it. Women are denied equal rights not only to land but also to other forms of moveable and immoveable property, which subjects women to an increased risk of losing their source of food, income, and shelter. Studies show the linkages when women have secure rights to land and other forms of property; family nutrition and health improves; women may be less likely to be victims of domestic violence; children are more likely to receive an education and stay in school longer; women may have better access to micro-credit; women's participation in household decision-making increases, women become less vulnerable to contracting HIV/AIDS; HIV-positive women may be better able to cope with the consequences of AIDS. In spite of this, the current laws, government policies as well as the social customs are not very conducive for promoting property rights of women. In small ways, where the laws and policies are favorable, their implementation is often hindered by the lack of awareness amongst the women and women's organizations.

Maharashtra has been a state where some notable work on land rights amongst the marginalised communities has taken place but little concerted effort is seen across the state in terms of women's access to property rights. Women's Studies centre, ILS Law College and SOPPECOM decided to explore possibilities of grassroots work in Maharashtra on the question of women and land rights.

The main objectives of this collaborative work were to

- a) Develop a road map for women and land rights work in Maharashtra based on the study of the existing work of the voluntary organizations and through detailed interviews and discussions with leadership of mass movements working with women, political and non party political groups and academia (women's studies centres) to understand their thinking on women and land rights issues
- b) Conduct a state level workshop of stakeholders for discussing and finalizing the road map for women and land right programme in the state

## Activities

The main activities planned were as follows:

- A. Collecting, compiling and analysing secondary data from Census, Agricultural census, NSSO and other relevant reports and studies
- B. Interviewing women leaders of political parties and non party political groups and other civil society groups actively engaged in women, land rights and livelihood related issues in Maharashtra. Sharing secondary data with these leaders and understanding their position, opinion, key ideas,
- C. Holding 3 regional meetings in Maharashtra with existing networks of women's groups viz. Vidarbha, North Maharashtra, Marathwada, Konkan, and Western Maharashtra. for discussing the key issues of the region around women and land rights, exploring possibilities of research, action programme and capacity building in the region
- D. Analyzing the data gathered through secondary and primary data collection process and the preparing draft a status/issues paper for Maharashtra on women and land rights.
- E. Holding state level consultation with 30-40 key participants across the state to discuss the issues paper and prepare a road map for women and land rights programme in Maharashtra.

## A. Compiling of secondary data on women and land rights

Data from the agricultural census, census, NSSO, relevant government websites was collected and a brief report of that was shared in each of the regional meetings with the participant groups. This data was also compiled, analysed and presented in the regional summary report which was shared with all the groups in Maharashtra who were part of the State level consultation in April 2016. The summary report of the regional meetings is in **Annexure 1** of this report.

## B. Interviews with women leaders

During regional meetings, we interviewed leadership of different organizations.

The table below shows the list of all those who were interviewed.

	Name	Organisation	Region
1	Bhim Raskar	Mahila Rajsatta Andolan	W Maharashtra
2	Vaishali Patil	Sarvahara Jan andolan	Raigad
3	Manisha Tokle	Manav Adhikar Abhiyan	Marathwada
4	VishwanathTodkar	Paryay	Marathwada
5	Arundhati Patil	Manavlok	Marathwada
6	Jayaji Paikarao	Ugam	Marathwada
7	Vijay Jawandiya	Shetkari Sanghatana	Vidarbha

8	Kishore Jagtap	Swaminathan Foundation	Vidarbha
9	Tarak Kate	Dhara Mitra Sanstha	Vidarbha
10	Nutan Malvi		Vidarbha
11	Maya Wankhede	Subah	Vidarbha
12	Avinash Kakde		Vidarbha
13	Ranjana Kanhere	Janarth	N. Maharashtra
14	Razia Patel	Rachna Vikas	Maharashtra

We contacted several party and non party political leadership, but there seemed to be a lot of resistance for giving interviews on party positions on the issue. We could thus largely interview leaders of different social organisations concerned with the issue and willing to reflect on how women's access to land and other assets could be materialized. All of the 14 interviews were conducted jointly by team members of WSC, ILS and SOPPECOM. Discussions from these interviews and key recommendations shared by the leadership have been included in the regional summary report (see **Annex 1**).

### C. Regional meetings



Regional meetings were held in Konkan, Marthwada, Vidarbha and North Maharashtra. Organisations from western Maharashtra were invited for the state level consultation held in Pune.

In Konkan three meetings were held in Raigad, Sindhudurg and Ratnagiri.

The Marathwada meeting was held in Ambejogai and was hosted by Manavlok with support from Jagar an organisation working in Beed district.

The north Maharashtra meeting was held in Nandurbar and hosted by Janarth.

The Vidarbha meeting organized by the network of organisations working in Vidarbha and was hosted by Prakriti .

The table below presents some of the key issues emerging from these regional meetings. Also refer to the summary report of regional meetings in **Annex 1**

**Key issues emerging from regional meetings (Let us put the meetings in the order as were held date wise)**

Name	Number attended	Context	Women's issues	Demands	Areas of future activity
Raigad	16 activists from 5 organisations that represented Adivasi and Agriculture community predominantly	<p>Forests, SEZ, industries grabbing lands, urban Mumbai spreading into these area</p> <p>SEZ struggle a landmark one where Reliance was thrown out through referendum.</p> <p>Struggle of women on homestead plots- implementation of GRs</p>	<p>Women are at the forefront of struggles for forest rights, anti SEZ, but not owners of land</p> <p>Women's contribution to agriculture very high as men migrate to towns They perceive land as a source of sustenance and livelihood and not for selling and investment.</p> <p>Pressure and violence on claiming of matrimonial and natal property</p> <p>Labeling widows as witches, who claim land; pressure to remarry and release the land right</p> <p>Mixed examples of how caste panchayats sometimes supports women; sometimes against women in property and marriage related matters</p>	<p>Joint ownership in land and first holder to be women</p> <p>Loans in the name of women</p> <p>Access to benefits of the <i>krushi utpaadan bazaar samiti</i>, so as to enhance participation in decision making.</p> <p>Identity cards to women farmers as members of this Samiti,</p> <p>Transfer payments against purchase of agricultural production directly into women's bank accounts, .</p> <p>Priority to purchase of farm produce from women cultivators.</p> <p>Advocacy for a GR to this effect is in progress</p> <p>Alongside of access to land, access to water, credit, government schemes essential</p> <p>Encourage collective farming through provision of incentives</p>	<p>Documentation of efforts of collective farming in Raigad district</p> <p>Use of homestead plots</p> <p>Caste panchayats and decision making processes related to gender sensitive decisions regarding property</p> <p>Case studies of violence against women around land and other property</p> <p>Campaign for joint ownership of lands to be acquired from the state</p>

				and kisan credit cards	
Vidarbha	16 activists from Amravati, Buldhana, Nagpur, Wardha Yavatmal and Gadchiroli districts primarily working on farmer suicides but also amongst adivasis	Farmer suicides is the key backdrop of the region  Young widows often ignorant of ownership of land Liable for repayment of loan of the deceased husband Increasingly women are also seen to committing suicides  Poor implementation of MNREGA  Rain fed un irrigated farming, high input costs, animal attacks,  recent impacts of climate change  lightening strikes	Non recognition of women as farmers but fending for families with meager information and other resources  Loss of livelihood resources and decreasing control over farming practices.  Technology replacing women's work  Non issuance of ration cards in the name of single women, non availability of food grains in the ration shops  Health issues of women related to their long hours of work at home and in the farm and very arduous tasks.  Farm implements are not suited for their use  No thought goes into making implements gender friendly	Implementation of Swaminathan commission report in spirit and letter  Credit and loans for food crops so there is food to eat in case commodity crops fail,  skill development, indigenous seed development, crop pricing calculations to include women's domestic work as well.  Mixed sharing platforms whereby women and men are aware of each others issues- especially women who are faced with shock when their husbands commit suicide.  Gender friendly farm equipment,  Proper display and information of women land holders on their land records example of Odisha where photographs are displayed	The number and names of lists of men and women committed suicides can be accessed from the collectors of districts Legal training for awareness of laws and policies for women and property ownership and also for identifying key gaps and ways forward in policies related to land, water etc from a gender perspective

			Ill treatment of women at bazaar samitis		
Marathwada	38 participants from across Marathwada participated. Many were in some way associated with the <i>Jameen Adhikar Andolan</i> . Except for Nanded and Jalna all districts were represented	<p>Drought is the main context of Marathwada</p> <p>Health and poverty</p> <p>Dalit land rights over gairan land</p> <p>Several instances of violence against dalits when claimed property, particularly gairan lands</p>	<p>SHGs were discussed extensively- various income generation programmes including organic vegetable farming by women's collectives</p> <p>Extensive discussion on <i>tanta mukti samiti</i> and the problems it has created for dalit women and households in general single women and widowed women</p> <p>landlessness and poverty</p> <p>Violence against women in struggles of gairan rights.</p> <p>Women engaged in agriculture but not asked when it comes to the market and no share in the cash or decision making too.</p> <p>Issues of women from landless households</p> <p>Issues of women from nomadic tribes</p>	<p>Need to include women's rights over resources in watershed programmes, especially dalit women and landless households rights</p> <p>Equal Remuneration Act not implemented, should be raised as a campaign issue</p> <p>In addition to skill training for women land rights, training in markets and cash management is also necessary.</p>	<p>'No dowry give us land' campaign should be started</p> <p>Training of activists on law for women</p> <p>Training of lawyers who are in touch with the sanghatans on women and property law</p> <p>Training women on the lines of WGWLO who are equipped to handle the procedural issues related to women's land rights- gender resource centres</p> <p>Documentation of several models initiated by different collectives of women in different organizations</p> <p>Need to specifically look at</p>

					Muslim women's property rights. They are part of movements but there hasn't been too much work around that.
Nandurbar	9 participants from 3 organisations	<p>Tribals in the area are either landless or small landholders. Agriculture is mostly rainfed and they migrate for half of the year to other areas for work</p> <p>Forest area – people maintaining forests in their area, women are at the forefront</p> <p>Individual as well as public claims through Forest Rights Act, 2005 and problems in implementation</p> <p>Corruption in and poor</p>	<p>Education and health are the two major issues for women in the area</p> <p>Often girls don't get education after 8<sup>th</sup> and are married off early</p> <p>Many health issues among the women have been observed, anaemia being chief among them</p> <p>Women are involved in all the agriculture activities except ploughing and selling of the produce</p> <p>No say in decision making</p> <p>Forest claims are supposed to be in name of both husband and wife, but that is not happening on the ground</p>	<p>Watershed development work in Satpura region</p> <p>There are lot of funds in NREGA, an analysis should be done about why inspite of that people are finding it difficult to get work</p> <p>Social audit of all such schemes should be done</p> <p>Parisar punarnirman programme needs to be supported by works through NREGA</p> <p>Forest claims should be given in names of both husband and wife as per the law</p> <p>Through parisar punarnirman programme cultivation of forest vegetables should be promoted and a market for the same should be provided</p>	



		<p>implementation of NREGA</p> <p>Water scarcity due to drought this year</p>			
South Konkan	17 organisations represented	<p>One of the biggest issues is of 'Kuls' not getting the land in their name which they have been tilling for generations despite the law enacted in 1957</p>	<p>Women have been toiling hard after men have migrated to other nearby towns to earn livelihood through other sources.</p> <p>Participants also voiced that there exists a lack of awareness of laws related to land rights for women at the grass root level.</p> <p>Community members are unaware of the GRs or Acts that have been passed by the government to help them.</p>	??	<p>Legal awareness and training at the grassroots and among activists who work with the community</p> <p>Data collection with respect to land and overall resource access amongst women is needed.</p> <p>A class action claim, here the class being 'Kul, can also be filed in the High Court while marking a copy to concerned ministers.</p>

## D. State level consultation

About 55 people participated in the State Level consultation that was held at Pune on 5<sup>th</sup> and 6<sup>th</sup> April 2016. Groups from across Maharashtra attended and contributed to the meeting. Below is the summary of some of the key issues:

### Session 1: Issues emerging from regional meetings:



Seema made a brief presentation on some of the key issues emerging from the regional meetings which was followed by open discussion. The following issues came up:

- 1.1. Need for an integrated view on resource rights. It not just land but also the soil, trees and crops standing on that land, the water required, the rich mineral resources below the soil etc that needs to be considered if we are talking about women's livelihoods.
- 1.2. In 1994 the women's policy said that 10% of lands should be given to women's collectives. There is need to follow up on what actually has happened after that.
- 1.3. Usually when we talk of livelihoods we talk of different productive resources. But a large section of the nomadic tribes has no access to any such resources and we need to give a thought. This section largely depends on PDS and other welfare schemes which too are poorly implemented. There have been struggles on forest lands, maharvatan lands, and community lands to ensure small plots of land to the landless coming from these social groups. However justice is delayed and sometimes denied as well and many of these demands are still unaddressed. Violence is meted out to people who are demanding access and control over these resources. Moreover socially discriminated groups should be allowed a life of dignity and recognition.
- 1.4. Issues of caste and religion are important and when it comes to assets this discrimination needs to be understood and positions on that stated clearly. This is especially important when we are dealing with personal laws. In the Muslim personal law women's do not have the same and equal right to property as men. In fact most progressive groups laud the fact that Muslim women have a share in the property but often overlook the fact that it is not equal. *Waqf* Boards have large tracts of land in their name and which are specifically meant for supporting the deprived sections within the community. We should demand an audit of the use of these lands by the *Waqf* Boards and also ensure that women have a right over it.
- 1.5. Very often we see that women labour on the land but most schemes are in the name of the land owner who happens to be a male. It is very important to recognize women as farmers irrespective of land ownership as they do cultivate either in collectives or otherwise for subsistence and welfare of their families.
- 1.6. In Vidarbha or many other parts of Maharashtra, farming seems to be a negative investment. They cannot rely on it for their livelihoods. Markets and vagaries of nature determine the fate of agriculture. The issue is thus not only of gaining control over assets but how do you go

ahead. So rights to resources and its meaningful realization towards livelihoods become very important.

- 1.7. Deserted women and widows are vulnerable and asset less. They are mostly working as agricultural labourers. It is important that they have entitlements over resources. They are even denied rights as citizens and we thus need to put forward a demand for recognition of single women as citizens. In Osmanabad the district office has agreed to allocate 20 lakhs for the welfare of single and deserted women. However we need to see how this can be realized meaningfully and whether there can be a legal framework for the same.
- 1.8. All state lands should be in the name of men and women and this has been a longstanding demand and is also stated as such in the GR. However in reality this is not happening and most titles are in the name of men. The same is true for livestock as well.
- 1.9. During drought we notice that water tankers are not reaching the vastis of bhil, dalits and other nomadic tribes. Women are particularly vulnerable in these contexts and activists reported being witness to violence and also fatal accidents while fetching water. The other side of drought is the commodification of water and its privatization. Bottled water is becoming a big business and poorest people are forced to buy this water.
- 1.10. There is a need to define property. For example definition of property needs to go beyond just land to include livestock, shops and other forms of trade, vehicles etc.
- 1.11. We also need to recognize that there are several lands belonging to temple trusts which should be freed up for livelihood activity.

## Session 2: Experiences from other state and national networks

Two presentations were made in this session one by Shilpa Vasavada and another by Sejal Dand. **Shilpa Vasavada, the present convener of the** Working Group for Women and Land Ownership (WGWLO), Gujarat network, shared the work done by the network in the last 14 years. The network was initiated in 2002 when Bina Agarwal conducted a workshop with several organisations in Gujarat. Earlier there were 13 organisations as members and the network primarily focused on ancestral property for the first three years. Presently there are 19 organisations and 20 women's collectives who are part of the WGWLO.

The secretariat of the network is a rotating one and changes once in three years. It does not have its own office and works on minimum resources. There is a general body, a steering group, advisory group and sub groups are formed as and when required. There is a secretariat convener and a dedicated administrative person.

While control over state owned land are relevant in the context of women's rights to land, WGWLO has primarily focused on ownership in family owned lands. After an initial survey to understand women's land rights issues in the state, awareness programmes were conducted, joint campaigns of men and women were taken up. Gradually women started bringing in their individual cases and it was then that the need for dedicated workers who understand law was felt. Paralegal workers were thus trained and cadre building exercise was initiated. Currently there are 94 paralegal workers in the network. There is an all out effort to ensure that every member organisation brings the women and land rights agenda on to their work. In the last three years there are gender resource centres operating out of the tehsildars

office at the taluka level. Paralegal workers are available in this office twice a week and they help women with the cases.

Camps on inheritance rights are held in the villages regularly apart from various training programmes conducted with the concerned officials, including sarpanches. Talathi training is also an important part of the networks activity. A gender module has been prepared by the network which is now being used for the training of talathis. Continuous dialogues are held with tehsildar and district collectors. More than 7000 women have land in their name due to the efforts of WGWLO's work. The network has also supported several women farmers in getting schemes related to agriculture.

## **MAKAM**

Sejal Dand shared the work done by the national network "*Mahila Kissan Adhikar Manch*" (MAKAM). She mentioned that various networks working on women's issues, right to food etc increasingly felt that women farmers' issues weren't being addressed sufficiently and there is a need to actively form a forum which is specifically addressing women's access to livelihood resources. Thus in 2013 some discussions were initiated and between 2013-2015 three national level meetings took place and in every meeting the number of members increased. Participants were with varied backgrounds. MAKAM was formed as an alliance of women farmers, academicians, organisational leaders, NGO representatives etc. MAKAM believes that women farmers themselves need to come to the forefront and provide the leadership to this network.

A national facilitation team has been formed and every state is represented in the National Facilitation Team through the presence of a state co-ordinator. Most of the work is done in a voluntary manner. A national level sammelan was organised in March 2016 at Bapatla, AP where women from across the country came and pledged for the recognition of women as farmers. There has also been a serious effort to study the private bill proposed by MS Swaminathan called the entitlement bill. However a lot of work needs to go into it before we can push for the passing of this Bill. All the details are put up on the MAKAM website (<http://www.makaam.in/home.html>). It has become a good sharing platform for different developments in the state.

A woman farmer is not limited to one who owns land but also includes, fishworkers, agricultural labourers as well. MAKAM's scope of work is not limited to private lands alone but also includes state owned lands and establishing rights over these lands and resources.

A feminist perspective is essential while articulating the issue of women's rights to land. Women's work is largely in the arena of unpaid work and often referred to as reproductive work. This definition has to change and MAKAM is committed to bringing about that change.

There were several questions about the WGWLO work as many were interested in doing similar kind of work in Maharashtra. However there was also a word of caution on establishing new networks before looking at the present ones in the state and the gaps in the existing network.

## Session 4: Thematic Group discussion

In this session we split into two groups one which discussed private property and women's rights and the second group discussed women's access to common property resources or/and state owned lands and resources.

Each of the groups was given reference points for discussion and after two hours of discussion the groups reassembled and presented some of the key issues emerging from the discussions.



### Group 1 - Women's rights in the context of private property

This group was to discuss specific concerns linked to personal laws and women's access to property.

Reference Points:

- Implementation of women's right to property recognized under different personal laws, suggestions for better implementation,
- natal and martial property and women's rights over both,
- release deed and its implication on women,
- tenancy laws and share cropping leases for women,
- legal methods for transferring property in the name of women,
- various existing GRs and policies for women and land rights
- different schemes of the government supporting women farmers

Some of the key recommendations that emerged from the discussion on the above points:

- Need for awareness trainings and campaigns to advance women's rights to property.
- Need to support widows whose farmer husbands have committed suicide through specific programmes for registering the land in their names
- Need to provide counseling to such widows
- Need to amend the appropriate law to recognize wife's right to husband's property on marriage – right to matrimonial property.
- Need to recognize women's right to property instead of giving dowry Need to launch awareness campaigns for this.
- Need to bring in amendment to an appropriate law to prevent making of release deed by women of their property right.
- the property rights of second wife amongst hindus and their children, Prevention of Land Fragmentation Act, Muslim women's rights were also discussed

## Group 2- Women's rights in the context of State owned/held property

The group was expected to discuss the women's right to land owned, held by the state.

Reference points:

- Key demands and the present status of those demands, the problems faced by the groups in implementing these demands,
- Protection of women's rights
- Position of the organisations with respect to women's rights to resources

Following were the key recommendations that emerged from the discussion:

- Need to go beyond right to land. Need to articulate sharply demands relating to right to water, forests, minerals and other commons needs. Need to implement effectively transfer of land in the name of both the husband and wife under the Forests Right Act, which is not implemented currently. Need to get information under the Right to Information Act on the claims made by people in the state and its implementation and whether or not titles have been given in the name of women jointly with men.
- Need to involve women and their signatures should be taken when lands are given in the name of the villages. Usually only men sign. Need to amend the GR which says that to benefit from schemes for suicide victims one needs to be a landowner. Women of such families not being land owners, are thus not able to benefit from such schemes.
- Need to allot the land that is redistributed under the Land Ceiling Act in the joint names of husband and wife. There is a provision in the law but is not implemented.
- Need to consult women on the use of commons. Need to develop different strategies for this.
- Need to have a social audit of the use of commons especially by outsiders.
- Need to allow Women's collectives to access commons on a priority basis.
- Need to do a social audit of properties owned by *Waqf* Boards.
- Need to understand and identify different spaces which are to be considered as commons. For example a market space, or a space to thresh grain or store harvests. These are spaces required for different livelihood activities.
- Need to state our position regarding right to resources in the current crisis faced by agriculture. We have to articulate our position on the development model itself.
- One of the opinions expressed was that agriculture is not a viable option and hence farmers are forced to sell their lands. This is a common argument and there is a need to counter this through presenting the numerous alternatives that women are involved in. There is a need for a shift in discourse and this also calls for a feminist articulation of development model
- Need to involve women in water management and allocation.
- Need to take forward the longstanding movement of Jamin Adhikar Andolan which demanded regularisation of encroachments by dalits and adivasis on community lands. One GR was issued but there has been a demand for an overarching law in this regard.

## Session 5: Emerging Alternatives in rural women's collectives around land, water forests

This session focused on the different alternatives being tried out by women farmers across the state. The main objective of this session was to provide a space to discuss the different ways in which rural women are accessing resources to meet their livelihood needs and the challenges they face while doing so.



A student intern from SOPPECOM, Roshan Rathod, made a brief presentation on the collective farming and marketing efforts made by different groups in Marathwada and Konkan. She shared the experiences of women from Ankur organisation based in Ambejogai taluka of Beed district. Here a few women came together to share the market space in Ambejogai of their organic produce. Women cultivate on their own plots and bring their organic vegetables to the weekly market in Ambejogai and sell their produce under one banner. This has been an empowering experience for the women who are facing challenges from the mainstream market that sells the chemically grown vegetables for a much lower rate. The other two examples shared by Roshan were from Ratnagiri and Sindhudurg districts where women have leased in land from individual owners through an oral agreement. She closed her presentation by raising some issues that women shared as the challenges they face. These were insecurity of leasing arrangements as most are oral, selling of produce and access to fair markets, access to organic seeds to name a few. However women also expressed a lot of satisfaction in doing agriculture. This was also seen among the younger girls who participated in agricultural activities in the Konkan groups. In the open discussion almost all the participants animatedly shared their own experiences in setting alternatives.

### Sharing from different regions

#### *Marathwada*

Manavlok's work in Parali taluka of Ambejogai where a women's SHG is cultivating okra and exporting it. The entire management of the initiative is done by the women's group. However women are keen on bringing these leasing arrangements under some legal framework. In Ambejogai during the Kharif season women do a lot of agricultural work from sowing to harvesting by taking up contracts. Things are changing now since women are better organized in SHGs and thus perhaps have a better bargaining power. These contracts are now taken up by SHGs. However it was pointed out that there is need for supporting such initiatives through training and also through

developing some legal frameworks to formalize these arrangements. As a collective we need to think about it. These are also groups with whom we can initiate discussions on right to ancestral property. In Beed district it has become a common practice among owners to lease out their lands seasonally. Most of these leases are off the record and therefore the lessees do not benefit from it especially so during drought and other such crisis. People who had taken land on lease in this manner are in dire poverty today in Marathwada. Land is leased in for amounts that vary from 4000-5000 for dry lands to 7 to 8000 for irrigated lands per acre. Suicides have been higher amongst these people lately. Although there aren't exact numbers of these arrangements available it is the assumed labour of women that is even less known.

In Marathwada although dalit families are cultivating the common lands there is little by way of support from the government. Many small and marginal farmers have sold off their lands as they do not find agriculture viable. The buyers of these lands are usually the urban white collared people, businessmen etc. They buy this land and then again lease these lands out as they are mostly absentee landlords. 140 women holding access to Gairan lands in Beed district have been practicing organic farming. They started out with converting a part of this land to organic and now have converted entirely to organic. The experience for this group has been positive. The land has now gradually become more productive and there is also an increased interest amongst farmers to do agriculture.

On the one hand it is an opportunity for women's collectives to come forward and lease in these lands but on better terms. But given the problems associated with it we need to be careful about how such lease arrangements are worked out. Formal arrangements are avoided because of the tenancy laws. There is a lot of resistance among landowners to lease out lands to women's collectives and the common reasons cited are that they come in late want to go home early etc. These mindsets need to change and more and more such leasing in needs to be done by women's collectives. We should support such initiatives.

Another view cautioned against such arrangement until we work out a strategy whereby security and rights of the lessees are guaranteed. It was also pointed out that farmers prefer contractual agreements over daily wage labour. Not always are these beneficial to women in the Marathwada region which is drought prone.

### ***Vidarbha***

These were around cotton cultivation where despite the guaranteed price declared by the government there is a crisis. Farmers do not have sufficient credit in hand and therefore do not pay the labour adequately and the overall crisis in agriculture spirals. Most schemes meant for farmers do not reach them due to the corruption at the local level. Women are not recognized as farmers and therefore do not benefit from the schemes specifically meant for suicide victim families.

Chetna Vikas shared experiences were women take lands which have rich silt deposits for cultivating water melons. They have to wage a struggle to get these lands on lease as they are premium lands. Women cultivated these lands for 5 years and got an excellent profit on it. However seeing this, the surpanch of the village withdrew the lease agreement and gave it to some individual. Women have started their struggle to access this land again.



## *Konkan and rest of Maharashtra*

In Raigad district Sakav shared how women's collectives are actually providing a service to the migrant workers who have left their lands behind. Women's collectives take these lands for cultivation on a lease basis. There is a need to ensure that the government supports these collective farms through various schemes. We also need to see how men's participation in this increases as they also require employment.

Some efforts are on in Mokhada taluka of Palghar district. The idea of a mukt sanchar gotha is being mooted whereby labourers would find time to go out for labour leaving their cattle at this gotha managed by youth or women's collectives. The dung would also provide as farm manure.

Western Maharashtra is slightly different in terms of an overall prosperity and availability of water although here too we primarily see women doing agriculture. Dam displaced people often are seen migrating in search of work and it is the women who are cultivating land. Again here too women are at the forefront of the struggle and feel very empowered with it.

Value of land is increasing manifold and yet agriculture is unviable it is said. It is thus important that agriculture be supported through stable and guaranteed markets.

Navnirman Nyas based in Pune district has been working with women's groups since 1990. It has always strived to bring women into some economic activity. However the organisation strongly felt that the economic activity had to be linked to agriculture since that is the main source of their livelihood currently. It has now formed groups of farmers doing organic farming and collectively selling the produce in Pune city. The objective was not to improve incomes alone but also the health of the people and the environment.

At the foothills of Satpuda range two villages have come together and protected about 1800 ha of forests. Fulfilling livelihood needs is one of the important aspects of these initiatives and every year the groups are organizing festivals to celebrate the diversity of foods and vegetables. The main objective is to give it some visibility and bring it back into the plates of the farmers as well as market it amongst the urban dwellers. Cultivation of some of these varieties through women's collectives is being planned. Several interesting experiences of women's SHGs cultivating community lands were also shared. They farm collectively, also lease in land collectively labour on that land, protect these lands and also sell the produce. Some groups are also promoting organic farming, but they are often difficult to sustain without any financial and marketing support. Moreover water is a severe constraint.

Women farmers groups have been formed in different parts of the state. If the woman is a landowner she can become a member of this group, however in case she is not then some landowner has to give in writing on a Stamp paper of value RS 20 that he/she has given so and so land to so and so woman for cultivation purposes.

Although milk co-operatives can be thought about, they are exploiting women's labour. Moreover most of the incomes go into the hands of the men of the household. Men below 40 do not seem interested in agriculture and women could be collectivised to do farming. Organic farming needs to be promoted and there is a need to have urban groups supporting farmers' collectives and being sensitive to these issues. Apart from land, water and forests there is also need to look at labour as one important livelihood resource.

We also have to be careful about the different nomenclature used such as collective farming and contract farming. Both are qualitatively different. MAVIM believes that economic independence is the key to empower women. If women are able to get employment within their own villages then migration is reduced. It has been noticed that there are several farmers who are not interested in cultivating their own lands and such lands can be leased in by women's collectives. Many of the agricultural equipments can then be used collectively. A large number of women's groups organized by MAVIM are doing so. Effort is also made for drudgery reduction through design of different kinds of tools by different institutions, however much of this does not reach women's groups. We also need to ask for the area classified as wasteland in Maharashtra. These lands too can be given to women's collectives for cultivation. There was a view however that we should encroach on these lands rather than ask for these lands to be given. That is unlikely to happen anyway.

### **Lands allotted to industries**

Government allots lands to several industries and there is a need to see if these lands are being put to use or not. Often the powerful in the vicinity use these lands for their benefit. CSR should also look into the use of such resources. Suzlon Company had taken an initiative to give such lands on lease to women's groups. In fact the company had also developed a detailed legal framework for such leases. A detailed land survey was also done which mapped the standing trees on the land, the quality of the land etc. Such models need to be studied and perhaps we could put pressure on companies to give lands on lease to women's groups.

Several questions were raised regarding this alternative. Is there a conflict among the main land owner and the encroachers? Should not the land go to the main landowners if they are lying fallow? How have the women's groups faced these conflicts?

### **On challenges of finance**

An experience of Anik finance a registered Micro finance company formed and managed by organisations from 5 districts in Marathwada was shared. Access to credit was a major issue with dalit women's groups who were cultivating community lands. Around 2007-08 the need for accessing low interest credit was strongly felt by these groups. The existing SHGs were thus federated into the Savitribai Mutual Benefit Trust. It was only after 3 years that banks started recognizing this entity and provided some cover. The credit institution now covers about 1500 SHGs from across 5 districts of Marathwada. All these are groups cultivating community lands and a fund of more than 2 crores is available for women. It has been functioning very well women have been taking loans and returning them in a timely manner. Incomes of these women have also improved over the years.

In most villages there are farmer's societies to provide interest free loans. Women often cannot access this as they are considered landless. There is a need to seriously think of forming women's credit societies.

### **Women's participation in resource planning and use**

Similarly women's voices should be heard in resource use planning like water, forests, galper lands. Currently Maharashtra has recorded some 17000 acres of land under galper and the 99 year contracts

are soon to end. We must find this information and start demanding these lands for women's groups on lease basis.

### **Social audit of common property lands/state lands/private trusts**

Information about Kumari mata lands was also shared. Maharashtra had a tradition of reserving lands for kumari mata to support their livelihoods. There is a need to take a review of whether this practice is still on and what exactly has happened to these lands. Similarly lands in the name of temple trusts, industries, waqf boards should also be assessed and information needs to be collected to press for a demand to allocate these lands to the women's collectives

### **Documentation of struggles**

There is a need for documentation of all the struggles in India where women have come forward to demand rights over land and agriculture. Despite the fact that women are at the forefront of these struggles there is little evidence to show that they are owners of land. Bodhgaya struggle was famous however what exactly is its present status needs to be studied and presented.

The struggle will have to be at two levels fighting to implement the existing laws and also formulating new policy initiatives on a long term basis which are pro women and other socially discriminated groups.

### **Session 6: Way Forward: Planning for activities- Research and action**

This was the concluding session of the two day consultation and the main objective of this session was to discuss the need for a statewide network, its association with MAKAM, demands of such a network, activities to be taken up in the next one year.

### **On the network**

The response to such a network was positive and there was also a concrete suggestion in terms of the network taking its own name it was proposed that Law College and SOPPECOM can be the secretariat for this. Activities to be taken up, research areas to be identified and raising resources for that could be the agenda for future meetings.

While some felt that the network should be formed there was also a view that we should not rush into forming a new network but allow it some time. Most of the same people are in different networks and unless there is a strong need or a demand emerging forming a network only becomes a mechanical exercise. We should of course discuss these issues and also meet whenever possible.

There was however an overwhelming need expressed especially by groups from Marathwada for training and legal awareness of karyakartas which they thought can further the cause of women's access to resources.

### **Decisions from the western regional meeting of MAKAM**

Sejal from MAKAM shared some of the decisions taken in the western region meet in Bapatla so that some activities and programmes could emerge linked to these decisions.

The western regional meeting of MAKAM agreed to the following activities in the next one year

- a. A legal workshop to understand the law in the case of private property. All the three states need to collect a few case studies to be presented at the workshop.
- b. A public hearing on violence meted out against women
- c. Single women and the demands of these women in the context of livelihoods.

However not much was discussed specifically in line with these decisions.

The discussions mainly focused around areas discussed below

## Legal actions

Several organisations expressed a need to file PILs, Class actions, RTIs etc and needed help in this regard.

Following are some of the key areas identified for legal actions.

- a. Scrapping of land fragmentation laws that are applicable in Maharashtra and Gujarat as they deter transfer of lands in the name of women
- b. Muslim personal law talks of only 1/3<sup>rd</sup> share for women. This needs to be amended and all groups who support gender justice should come together to demand such an amendment.
- c. MIDC 1961 act should be amended to include compensation given for women from the land holding families whose land has been acquired
- d. Transfer of rights to women from families eligible for transfer under the Kul kayda Act. Need for a class action to follow up on the pending tenancy cases in Sindhudurg and Ratnagiri
- e. Need for ensuring that state lands are transferred in joint names of husbands and wives. RTI and a PIL can be filed
- f. For Gairan land regularization there is a need for an overarching law and not only a GR
- g. Legal framework to protect the rights of the share croppers- can we draft something for that. The tenancy laws are stringent and hence farmers are not willing to have any record of share cropping.
- h. If 90% of lands are being cultivated by women then we should see how the law can be amended to transfer ownership to women. Need for both dialogue and struggle.
- i. Need for supporting women in implementation of law. Can we think of an amendment? Curtail release deed processes etc

## Legwork for legal actions

- a. Need for documentation of share croppers in the state. There is a concept note on land lease prepared by the Niti Ayog. This needs to be studied and commented upon.
- b. Need to organize training and legal awareness workshops. Despite the laws and the GR state land is often given in the name of men. If concerned organisations who are aware of such cases can compile them. Law College and SOPPECOM can take on the responsibility of filing a PIL
- c. Share all government GRs with the entire group.