

CAWL Rights
Assessing land rights for tribal muslim and single
women – ILC Study insights

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CAWL Rights

Collective for Advancement of Women's Livelihood Rights

Collective
of feminists-
individuals and
organizations

**Share a common
perspective of
gender and
livelihoods**

Knowledge and action

Ideation and knowledge building: Collective enables members to get together to discuss, debate and gain clarity on livelihood concepts, including land rights from a grounded women's perspective.

Aims:

- Collective enables members to get together to discuss, debate and gain clarity on livelihood concepts, including land rights from a grounded women's perspective.
- Members undertake smaller initiatives that can gradually snowball into massive work on rural livelihoods cross-cutting between generations and their livelihood options.
- Sharing of ideas, engage, take feedback from others working on women's rights – broaden scope and build a movement in country.

CAWL Rights – Collective for Advancing Women’s Livelihood Rights

Objective:

- Deepen – ‘intensify’ the engagement and analysis (*manthan*) of womens livelihood rights *within* the feminist movement,
- Strengthen voice from grassroots women’s perspective- shift current programmatic and legal framing towards rights and entitlement
- engage with individuals/organizations working on this issue in the country/region and also the various movements.

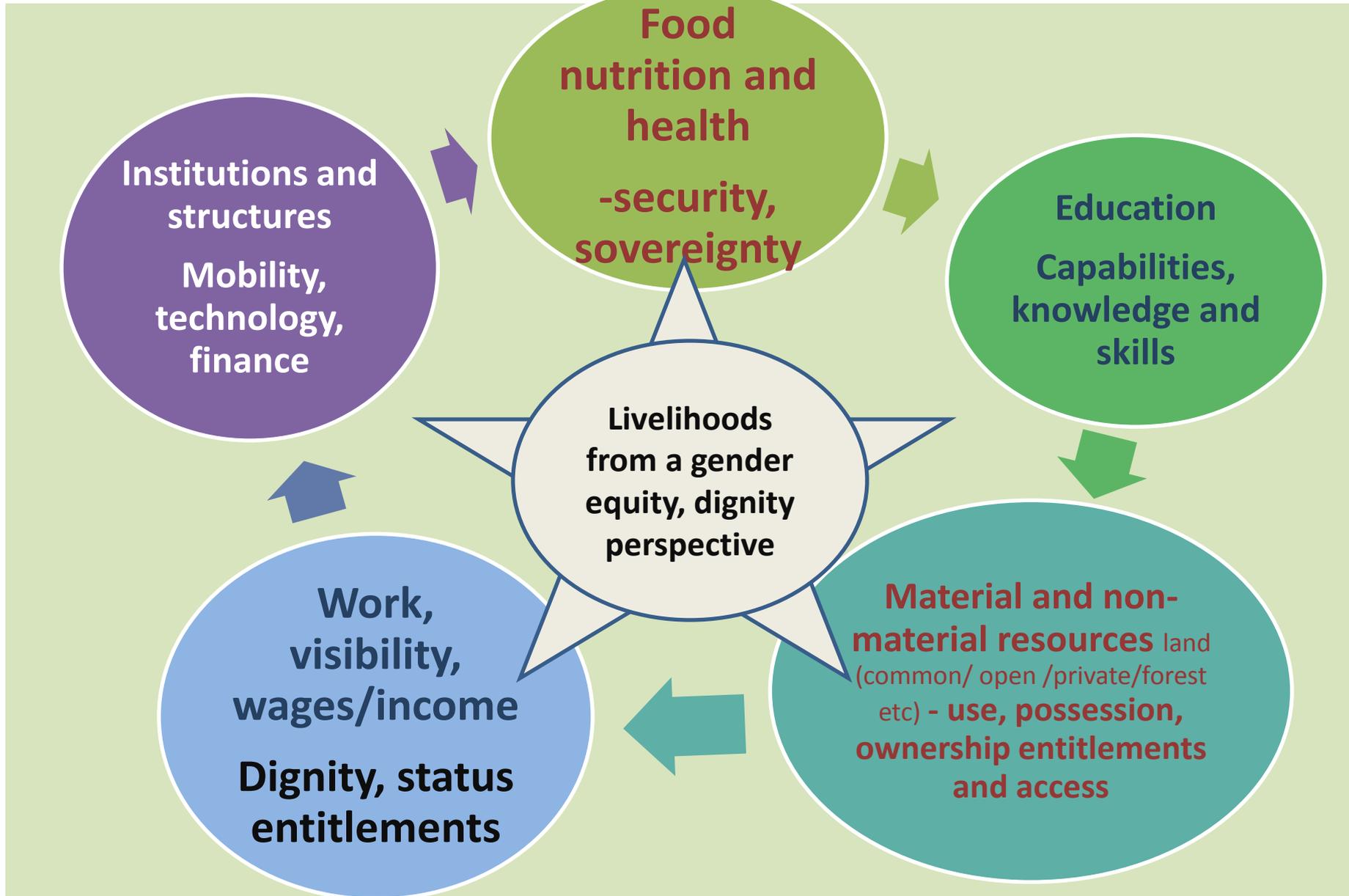
Address crisis of movements: distance from the ground -little dialogue with the women, sectoral mandates.

Problemetize the view of livelihoods as an ‘access to market’ and “mainstreaming” approach – quest for just and sustainable futures

Strategy

- Action Research
- Knowledge building through partnership and alliances across the country,
- build alternatives together,
- consolidate and strengthen, build a larger space for this perspective.

A GENDER PERSPECTIVE of LIVELIHOODS



Land as a livelihoods proposition

- Land - defined by means of the livelihoods it supports – not the capital or rent it generates
- Land as the composite of several resources (land forest, water, soil, etc) and relationships intertwined in the uses of these resources and in their sustenance
- Land –meaning at several levels- gendered character – denominator for construction of social and political and economic relationships, dignity, identity, citizenship, security, intergenerational security, status, buffer from hunger and deprivation, social security and identity
- Gendered and cultural meaning of land - Status, value, bodily integrity, sense of security, autonomy
- Resistance to collective strategies in land programmes likely due to the political potential of marginalized communities

STUDY OF LAND INHERITANCE RIGHTS IN INDIA

Objectives

- To explore the **shifts in women's rights to land and inheritance in the current pluralistic terrain** of land rights – ethnicity and religious pluralism, customary and constitutional pluralism, different categories and relationships with land
- To identify **barriers and institutional impediments** to women's rights to land and to **explore strategies** for the same, especially from the **perspective of poor women from marginalized communities**
- To explore and **examine strategies and spaces for women** across different social denominations by class, social groups and religious categories to negotiate the terrain between access and control of land for improved livelihoods in the context of the macro policies on land.

• **TRIBAL WOMEN**

• **Gujarat**

* **SINGLE WOMEN**

* **Maharashtra**

* **MUSLIM WOMEN**

* **Uttar Pradesh**

Framework for analysis

Realms of rights:

Perspectives and knowledge

Barriers- Structural, Social,
Operational

What means to negotiate? When do
women compromise?

Process of Claiming and Resistance

Understanding resistance,

What enables women to resist

How does she understand claim
making rights? What is its relationship
to livelihoods rights?

Social networks exist – family, friends,
community groups, SHGs?

Who helps her to negotiate, resist?

When do social capital and power
equations change? What enables that?

Process of Dispossession –

land ownership in the family. What
alternatives are women considering?

- Who is the woman who fights-
predicament,
labels, denial of social spaces, myths and
kahawatein.

- What can government, community do ?
- What do women recommend?

Experiences of Violence in Struggle –

- What is the violence women are
facing embedded within this issue;
- Symbols of violence and humiliating a
woman to comply, in terms of
experience of violence on day to day
basis.
- How do we negotiate? What spaces?
SHGs not talking about these issues.

INSIGHTS

Dispossession

- **Family- Fear of loss of natal family relationships and security- land only for sons**
- **Structural impediments work in tandem and collusion to create barriers to women's inheritance at multiple levels**

State – market- society- institutions of patriarchy impede women's inheritance ;
legal and administrative rules work as barriers

Patriarchy works with commercialisation and development priorities to deepen dispossession especially for women among marginalized communities

Dispossession experienced more acutely in situations of pluralism - ambiguity between pluralistic structures used to disinherit women and keep them from making claims

Experiences of violence

- connect between land ownership, value in family and level of violence
- Direct physical, repeated violence and economic costs to work at institutional barriers compels women to abandon claim making
- Institutional violence (state apathy, cost and duration of negotiating for land rights with the state)
- Violence at various levels and forms to ensure adherence

Resistance

- Collectivization offers the capacity to address dispossession systemically
- Resistance- backlash- market and social value of land (as status symbol) create greater impetus to dispossess women of claims – women raise issues of structural barriers
- Higher Stakes (land value, size of inheritance) work as motivating factors to claims by women
- Greater willingness to claim by women when risks are higher- loss of livelihoods, identity and heritage
- limited knowledge of law and procedures, fear of backlash
- Resistance / claiming by women does not assure inheritance for the daughter- son as inheritor of the woman
- In claiming land from state, women perceived as fulfilling social obligation- marker of status and social acceptance – daughters rights remain ambiguous

Actions for the future

- **On land redistribution:** The state must ensure that all redistribution of public land is henceforth done solely in the name of women if it is serious to address gender inequality and gender discrimination.
- **Provision within land use and landscape plans : women and their collectives must be accorded priority** especially for marginalized women's groups as a means of livelihoods support (including land allocations in agriculture, pastoral, artisanal, manufacturing and other activities). Adequate to provide a buffer against impoverishment.
- **On land use change:** The state must make sure that women are adequately represented in consultations and enlist engagement with women as a mandatory requirement in determining land use changes

Future actions

- **On processing of inheritance claims:** Procedures related to processing of inheritance claims must include provisions for barriers to a hasty disposal of such matters in cases where women relinquish their claims to inheritance in order to give them respite to reconsider their decision; at the same time they must be so administered so as to facilitate their ability to claim their share in inheritance
- **On recording of revenue land rights:** The state must ensure that women's share of land rights as per the relevant customary laws are recorded, on a retrospective basis, in official revenue land records within a set period of time. Sufficient budgetary commitments must also be made for this exercise.

SDG Agenda: proposals and amendments

Goal 2: End
hunger,
improve
nutrition and
promote
sustainable
agriculture

“substantially increase small scale food producers’ productivity, **sustainability (esp for those living in subsistence)** and incomes, particularly of women farmers within marginalized communities;” ...and secure and equitable rights to land and other natural resources such as land, forests, water, etc

Critique: “family farms” in context of feminization of farming

SDGs Continued....

Proposed Goal 5:
Attain Gender
Equality,
empower women
and girls
everywhere

By 2030,

- Remove discrimination, violence and inequality based on gender in realms of ownership, use, access and entitlement to land, property, assets, natural resources and knowledge.
- Recognize women as independent rights holders having agency in realms of management, decision making, use and change of use of land, water, forests and other natural resources and assets such as housing and property .
- Recognize womens work contribution in production and care economy, including care of environment to sustain livelihoods; and take affirmative action to provide support services as well as promote mens engagement in the realms of care work towards a just, equitable and caring economy

and

Goal 12,
point
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