

Gender Disaggregated Data on Land Ownership and Promoting Land Rights of Women

"We work in the field from day to night, contribute from pre to post production in agriculture, but we are invisible because we are not the land owners and we do not have land pattas in our name. Land is important for us to get our right as farmers" - Ms. Sunita Devi, Bihar

Background

In rural India, the most significant form of property is arable land, and this is a critical determinant of economic well-being, social status, and political power. Access to and control over land has critical implications for women's welfare, efficiency, equality, and empowermentⁱ. Property right is imperative for reducing poverty and realizing equitable sustainable growth. Various academic works and evidences from the ground substantiate the significance of the women land rights for gender equality, their agency, agriculture productivity enhancement and well-being enhancement of children. Despite its significance, women's right to land failed to get policy attention it warrants, which is corroborated by the lack of any nationally representative gender disaggregated data on women's land ownership.

India requires gender disaggregated land ownership data to report back achievement of Sustainable Development Goal (SDG), ratified by Indian Government, against target 1.4ⁱⁱ and 5.aⁱⁱⁱ of SDG 1^{iv} and 5^v. Indicators under target 1.4 and 5a that demand collection of gender disaggregated data are:

- (I) 1.4.2 Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure;
- (II) 5.a.1 (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure;
- (III) 5.a.2 Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control.

The Ministry of Women and Child Development's (MWCD) draft National Policy for Women 2016 prioritizes women's resource rights and advocates for actions to increase women land ownership through government land redistribution, land purchase and land lease schemes^{vi}.

The Problem

Gender disaggregated data on ownership of assets is not available for most assets, nationally and sub-nationally. The exception is the data on Operational Holdings for which data is available from the Agricultural Census. The Agricultural Census provides information regarding the number of operational holdings individually and jointly held by women as well as the area operated by them. The data is disaggregated for different size classes of land as well as for social categories for all States/ UTs. The absence of accurate and updated gender disaggregated data on land ownership impedes both policy making processes and adversely impacts women who are engaged in agriculture and other allied livelihood activities in several important ways.

- Lack of data prevents policy makers and governments from accurately assessing the gender differentiated impacts of land reform-led initiatives such as ceiling reforms, public land assignment, land purchase and lease and progressive inheritance laws.
- Absence of gender segregated data prevents policy makers from assessing the extent of landlessness amongst women who belong to different classes and castes, and who can be potential targets for land reforms agenda in various States.
- Since land ownership is largely taken as a basis for design and delivery of a whole range of agricultural schemes and services such as credit, input subsidies, insurances etc., lack of gender disaggregated data prevents accurate targeting and outreach of such services and support systems for women farmers. Most of the nationally representative surveys in India routinely collect asset ownership and other related data only at the household level. Women cultivating on land that are taken on lease or on share cropping basis are disproportionately impacted since they are not recorded as cultivators in relevant columns of the cultivation records, and thereby are denied the right to avail various agriculture related schemes and services.
- In the context of land acquisition, lack of gender disaggregated data on the number of women who directly own or operate on land or are dependent on land as tenant farmers, agricultural laborers, livestock rearers, depend on commons, water bodies, forests etc. prevents women from being effectively counted in key decision making processes related to land acquisition and for payment of compensation or availing rehabilitation and resettlement schemes and programmes of the government.
- In the scheduled areas where Forest Rights Act is under implementation, women's claims on forest lands are not adequately recognized or captured in data collection systems. Women, therefore, are disproportionately impacted in terms of their exclusion from key decision making processes on use of forest resources and accessing agriculture related services and support systems as farmers in their own right. Further, in the context of land acquisition and displacement for various projects in these areas, women to lose out on their rights to compensation and Resettlement & Rehabilitation schemes (R&R), since their land and livelihood rights are not accurately verified and recorded.

Initiatives by DoLR on Gender Disaggregated Data

The Department of Land Resources (DoLR), under the Ministry of Rural Development (MoRD) has been supporting several States (both through budgetary support and capacity

building) in computerisation, modernisation and digitisation of land records and registration systems. The Digital India Land Record Modernization Programme (DILRMP), launched by the Government of India in August 2008 and overseen by the DoLR, aimed at modernizing management of land records, minimizing the scope for land or property disputes, enhancing transparency in the land records maintenance system and facilitating the move towards guaranteed conclusive titles to immovable properties in the country^{vii}. This initiative also involved dedicating special codes (code 14) to capture gender disaggregated data, following the state land records manual. However, initial technical report of the DILRMP programme by the DoLR stated that none of the States, including smaller States like Manipur, captured gender disaggregated data as part of the programme^{viii}.

The Planning Commission recognized that land ownership is a key instrument for reducing socio-economic and gender inequities in the country and availability of gender disaggregated data through data digitisation was an important part of ensuring achievement of this goal. The Planning Commission proposed that the state governments should maintain gender disaggregated land data, separately from the joint land title, and enabling the Ministry of Women and Child Development to monitor the progress of the implementation of Hindu Succession Amendment Act 2005.

In August 2014, a directive was sent out by the then Secretary, Department of Land Resources, Ministry of Rural Development, Government of India, to the Chief Secretaries of all States and Union Territories, requesting “action to be taken for creation and maintenance of gender disaggregated data in all land records to comprehensively indicate the status of land recorded in the name of women,” (D.O. No.18014/03/2014 –LRD). However, evidence gleaned through discussions and RTI applications to revenue departments in some of the States reveals that no action or initiatives have been taken as a follow up to the above directive to various States.

Initiatives at the State Level

In Odisha, only 3.3 percent of the operational land owners are women. The Odisha government adopted ensuring of land ownership to women as one of their key objectives in the State Women and Child Policy 2014, to improve women’s land ownership status and took several initiatives like prioritising allocation of land to single women under the public land distribution programme by promoting Gender Resource Centres at the panchayat level. Further, effective convergence and collaboration between the Department of Land Resource (DoLR) and Ministry of Women and Child Development (MWCD) department at the state level and central level helped the state government of Odisha to take initiatives to collect gender disaggregated data.

Recommendations

- **Clear Guidelines and Timelines for Creating & Maintaining Gender Dis-aggregated Data:** The DoLR should set clear timelines and monitoring mechanisms to follow up on has already taken a proactive step in issuing an advisory to all the State Governments to take appropriate measures to create and maintain gender disaggregated data base in all

land records to comprehensively capture the extent of women's land rights. the above advisory.

- **Allocation of budgets under the Digital India Land Records Programme (DILRMP)** to support the state governments and make it mandatory to capture gender disaggregated data, including for the joint land ownership, as part of the land records updating and resurvey efforts in various States.
- **Inclusion of Gender Disaggregated data collection in Results Framework:** Creating and Maintaining Gender Dis-aggregated data must be included as one of the key objectives, target and success indicators in the Results Framework of the DoLR (Results-Framework Document of DoLR 2014-15).
- **Gender sensitization and capacity building of the revenue department officials,** at the village, block, district and at the state levels, involved in the collection of gender segregated data, entry and digitization operations should be made mandatory to ensure quality, accuracy and consistency of data collected and ensure full enumeration of women farmers of all categories are entered in relevant records.
- **Campaign, Awareness Generation and Implementation of personal laws on inheritance such as the Hindu Succession (Amendment) Act, 2005:** Ministry of Women and Child Development (MWCD) should assess the status of implementation of the implementation of personal laws on inheritance rights of women, issue appropriate guidelines for effective monitoring and implementation of legislations including HSA (2005) to protect women's inheritance rights.
- **Women Resource Centres at Block Level for Protecting Women's Land Rights:** A single window system in the form of 'Women Resource Centre' should be created from the mandal/block level upwards in the revenue departments in all States that aims to address and resolve all land issues related to women in a time bound manner. The cell will provide legal literacy, information, support on succession rights, claim processes that need to be made under acts such as Forest Rights Act & land acquisition Act RFCTLARR (Act 30 of 2013).

ⁱ Are not we peasants too? Land Rights and Women's Claims in India. Bina Agarwal, 2002

ⁱⁱ 1.4 by 2030 ensure that all men and women, particularly the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance

ⁱⁱⁱ 5.a undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws

^{iv} SDG 1: End poverty in all its forms everywhere

^v SDG 5: Achieve gender equality and empower all women and girls

^{vi} http://wcd.nic.in/sites/default/files/draft%20national%20policy%20for%20women%202016_0.pdf

^{vii} http://www.ijstm.com/images/short_pdf/1487864550_P744-750.pdf

^{viii} http://dolr.nic.in/lrc_codes_list_finaldraft300908revised.pdf