CHAPTER 1

INTRODUCTION

1.1 RESEARCH BACKGROUND

Gender is the product of socialization. The process of socialization happens through social institutions like family, school, work, media and generally through social interactions. The process of socialization brings differences between the male and female and it tends to further gender-based discrimination. So, the gender-based discrimination is considered as one of the most common forms of disadvantage around the world. Although, there is a common awareness and growing recognition among all the people that, gender inequality has the ability to block sustainable development and still it has not been considered as an important factor and rectified for further improvement (Pallas, 2011). Upholding land rights of women are most vital as it paves a way for secure access to natural resources and the land, which in turn provides a foundation for sustainable livelihoods and also in assuring the food security. Apart from these, land rights of women also contribute towards the social inclusion, identity, and dignity of the most vulnerable groups and poorest people whose property rights remain unprotected and informal by the law. When the individuals and groups have the ability for accessing land and to use it, defend and claim land and other resources related to it, this process becomes empowerment. In general, women face many difficulties to empowerment which ranges from their status within the household and to the society at large. Authors (Sachs, 1996 and Crowley 1999) stated that, women only own 1 to 2 per cent of land worldwide. Women farmers are also depend upon and active in agriculture like the men. At the same time, most of the women are dependent on the males for accessing the land (Rao 2005 and Deere and Leon 2003). In the recent years, activists and practitioners are focussing their attention for avoiding the gender gap in the land rights. Even many of the international institutions are showing their concern in addressing land rights of women and this is mainly because it acts as one of the tools to promote development among women. In general, land rights of women are increasingly considered as most important for any country for the development by empowerment of the women.
In general, both poverty and the growth of population place huge pressure on the emerging issue of natural resources and land degradation. When the rights of land are uncertain and users of land fear expropriation or eviction, or when natural resources are managed and owned publicly, incentives occur for land overuse and to transform non-arable into farmland (Deacon, 1999). In such a case, it is important to bring the balance between land use and protection of natural resources for common good. It then calls for a definition of ‘sustainable livelihood’. Sustainable livelihoods are the precursor to sustainable development for communities and protection of nature for a long-term process of production and reproduction.

Constitution of India do not define Land Rights, it is still a contested area of discourse between legal and judicial regimes. However, the land administration and governance are clearly classified as subject of State Governments under Constitution of India (Seventh Schedule-List II). The natural resources based on land are the bases for livelihoods to a large number of people and are also associated to cultural, political and social identity particularly in India, which is predominantly land based economy. The control over and access to land contributes to several development pathways and the Goals of Sustainable Development as explained earlier. The rights of land are associated directly to development in productivity of agriculture, which is related to reduction of poverty and economic development in addition to much sustainable use of resource, vulnerability reduction, conservation of soil, and the importance to decrease disputes (FAO Report 2016).

It is imperative to understand the historical process, in bringing land rights within Indian context, before arriving the definition on Land Rights. The property rights and livelihood dimensions of land are intertwined between individual rights and state authority. Land Rights are referred to as a land claim that can be identified by government, along with a community that is a social system. The phrase defines to be a set of rights that reflect various relationships which individuals, groups and families have to land that are specific to context.

According to Gotzmann and Wrzoncki (2018) the existing discussion around the rights of land has considered the form of commoditizing and individuation of land entitlements, “where ownership and access are formed in terms of liberal market and land is understood narrowly as assets.” This discussion is at odds with several collective,
indigenous and traditional understanding of the rights of land, which views land not as a commodity of finance to be sold and privatized, but as a sustaining resource of life to be protected and shared (UN Women and OHCHR, 2013).

Land is the place where humans make their livelihood. They adopt different methods suitable to the climate conditions, bio diversity and their needs by using the land. The human civilisation has for long been faced with the need to protect itself from the natural disasters and disturbances, to produce their food through agriculture and later expanded to diversified production, trade, occupying countries and deforestation, which now developed into violent exploitation of resources for human greed.

In such a situation, we need to know that should the Land be considered as livelihood, which includes humans and other beings like plants and animals or should it be considered as private property for the growing needs of countries and according to their laws. Before talking about the growing demand on Land for Women, there is a need for clarifying the perspective on Land from Indian Context.

Human activities are capable of creating pressure on Land and also increase or decrease its value. Natural resources like water and coal also comes into this circle. However, while considering land as Livelihood, its value becomes neutral or dependant. The value of waste land increases while we consider it as source for the lives of plants and biosphere, which are living upon it.

1.1.1 History of Land Rights

According to Kurien (2012), the history of land governance in India tells us that though the land grant system was there since ancient history, possession of land (nilavudamai) came into existence when the British came into power. Though British initiated their occupation during 1600, it was almost 200 years later when the seeds of private property started sowing after understanding land governance system here, during late 18th century settlement and survey process which started to implement private property regime. The foreign rulers predicted the ownership land pattern in rural India which was confusing and ill-defined and were determined to refashion it into a form that had been existing in Britain in which they had explained the Revolution of Agrarian. This means, the current land holdings are just 200-year-old and there was no private land patta system existing before that.
By the end of 18th Century, the Mansabdari and Jagirdari systems were slowly diminishing (Rana, 2018). The settlement system of land resulted in Bengal (where the administrative set up of East India Company over the territories of India was situated) in 1793 and was later referred to as the Zamindari System. According to this system, large land tracks were allotted to zamindars on the perception that they would be liable for gathering enhanced land revenue greatly from the cultivating peasants and pass it on to the ‘State’. It is reported that in many other parts of India this system helped to support the local king with war force. Zamindars did not have right to transfer the land or inherit the land to their heirs. However, whenever, the ruling king became weak the zamindars claimed their inheritance on the Jagir land. In this way, the land which was under Jurisdictions of Mughals were taken control by the zamindars and they become politically strong after the fall of Mughals. Hence, since 13th century to 18th century rights over land was not demarcated firmly. In Tamil Nadu, the people who got such rights on land were called Partition holders or Mirasudars. They had rights over land use, share from land revenue and from the profits of forests, lake and social forestry. This share doesn’t mean control over land area. A person who is a shareholder in a particular landscape for some time will be shifted to some other landscape in the next round. There are evidences of such practice found in Tirunelveli in 1818 and Tanjore during 1921 (Kumar, 1965).

According to Udhayakumar (2017) administration of revenue was streamlined further during the rule of British by introducing Ryotwari system by Thomas Munro in 1802 and “Permanent Settlement” by Cornwallis in 1793. The British received the agrarian system in institutional form from Mughals. According to Shodhganga (2018) in Tamil Nadu, only during 1792, land survey was conducted and levies fixed. During 1792 to 1801, the land tenancy holders got patta for the land they cultivated. Starting from Salem, Coimbatore, Madurai and finally the entire Madras Presidency got into this land titling system. In IDSN (2018) it has been mentioned that though this system benefitted leaseholders, the main intention of the British behind abolition of zamindari system was because they couldn’t get enough revenue from zamindars. Since this was the only intention, the land patta was issued to the cultivators irrespective of their land holding size. The untouchables, who were denied to keep any property due to the caste system were left out in this settlement system. They continued to be agricultural labourers and bonded labourers in the farms. According to Tucker (1996), Human Rights Watch conducted extensive field research along with many civil society groups and published a book titled Small Hands of Slavery: Bonded Child Labour in India in 1996, which
reported that in all types of bondage, agriculture is much closely related to caste; the system of caste is entrenched much deeply in rural regions. Small land owners are of lower castes, landlords are of higher caste and the bonded and landless labourers are mainly the Dalits. The master-slave relation between the castes in rural areas is not limited to land but pervades each perspective of the village life.

According to Jaffrelot (2005) neither abolition of zamindari system nor the transfer of land to the tenant farmers through permanent settlement system could prevent accumulation of land in private hands. Consistent protests were organised by Ambedkar for land rights of Dalits from 1938 to 1949. Sharma (2017) has mentioned that on January 12th of 1938, the mass gathering at Mumbai city brought the Khoti System to get abolished. Similarly, the Asia’s largest mobilisation organised by Ambedkar in 1949 at Hyderabad with more than a lakh people also created pressure to bring Land Ceiling Act in the year 1961.

Ambedkar also contributed much to agricultural economics, which is often neglected. Ambedkar can be acknowledged as father of land reforms. Ambedkar developed complex political and economic arguments on issues of land revenue, land holdings, land acquisition, land records, forest land, small farms and farmers and co-operative farming, which taken together can be read as his future vision for a rural society with an ecological sensibility. For instance, he insisted for proper arrangement of soil, technology, efficient labour and crops (Mukul Sharma, 2017).

1.1.2 Property Rights for Women

According to Mills (1956) the land rights discourse in the country has the long history of colonial and pre-colonial influence. The notion of private property adopted by the ‘power elite’ to wrest control over the productive resources (discussed in detail in the following sections) is the beginning. However, in the later stages of history, land rights have been derived based on the land use pattern, which has several categories of access and control like tenancy, particularly land lease holdings, institutional holdings, group patta, individual titling, etc. It is largely transformed as family property (except Institutional holdings like endowment lands). Hence, the households become the basic unit of land rights narratives. In the context of Agriculture, the operational holder is considered as cultivator and policies and programmes are developed based on this notion.
According to Roy (2018) before the amendment in Hindu Succession Act 2005, there was exemption to Agricultural land under inheritance and succession as it was handled under state land tenure laws. When the planning process and development needs put emphasis on women’s land ownership as a tool for economic empowerment, the inclusion was made into the law to consider agricultural land as private property. This way the Gender issue of land ownership supported private property regime further as women as citizens have rightful share in their natal family property and wives have in their husband’s property (but only after the demise of her husband).

However, in reality, this transition process of land ownership from male members to female members of families has taken very slow pace and is yet to be studied. The fragmentation of land holding and increase in female operational holding reported in Agricultural census gives some glimpse of this transition, particularly among small and marginal holding (below two hectares). But, still it has its own limitations as operational holding does not correspond to land ownership in many states. Each state has different land holding pattern and land administration system. There is no uniform record system to show the land ownership pattern across the country.

Still the majority of women in India do not have control or ownership over their land resources. The census of agriculture offers data on agricultural holdings worked on by women and men irrespective of the status of ownership (title). According to the present census of agriculture from 2010 to 2011, nearly 13% of the land holdings of agriculture encloses 11% of the region where women worked on. This ratio has developed marginally only over the last census of agriculture from 2001 to 2002. Women account for only 12% of cultivated holdings of agriculture from 2001 to 2002, enclosing 9% of the region. Essentially, there is an inverse relationship between the share of land holding and categories of land size as well as area shares used by women. The land holdings share held by women in marginal holdings is 13.66%, whereas the region used by them was 12.82%. These figure can be best described by the social and cultural biases that prevail in India, which are responsible mainly for reduced control over an essential resource like women’s land particularly among better off women. It can also be stated that women farmers have reduced access to institutional assistance and institutional credit owing to unavailability of land titles as compared to men farmers (Srivastava and Srivastava, 2010). A research produced by United Nation Women, Landesa in India, a United States-headquartered NPO working to secure the rights of land for men and women, finds that
despite the time spent working in the fields and changes in inheritance laws, women rarely inherit the land that sustains them.

Tamil Nadu is one among the first five states next to Maharashtra and Andhra Pradesh in enacting a property rights law for women in the year 1989. In 1956 under the Hindu Succession Act, daughters were provided equal rights as sons in the self-earned assets of their father if the father died intestate. They, had no rights to ancestral assets. Much progressive legislation was passed in Andhra Pradesh, Tamil Nadu – the Hindu Succession (Tamil Nadu Amendment) Act, 1989 – which gives equal rights to women as men in ancestral property. Particularly, the section on exemption to agricultural land has been abolished. Hence, this provision is supposed to ensure ancestral agricultural land for women in the households, who follow religious system of marriage.

Diwan (2017) has mentioned that the Muslim Succession Law is un-codified and there is no partition of inherited assets. The succession opens only on ancestor’s death and then only the assets vests in the heirs. The Islamic Law of succession is based on the Holy Quran tenets. No woman was deprived of inheritance on the gender basis. Women have same rights to share the assets of the deceased. For Christians, the succession laws are placed in the 1925 ISA (Indian Succession Act). The Christian succession was dealt by the sections 31 to 49. The law guarantees, equal inheritance for children of Christian marriage families, irrespective of gender. If the mother or father dies intestate, daughters share inheritance equally with their brothers. However, the right of the widow in Christians is not a complete right. If the death has left behind both a widow and lineal descendants, she will get 1/3rd share in their estate while the remaining 2/3rd will be given to the latter. If no lineal descendants are there but other kindred are alive, ½ of the estate passes to the widow and the remaining to the kindred. The complete estate shall belong to the widow if no kindred are left either.

Irrespective of religion, now women (married or unmarried) can also demand an ancestral property partition, if the share is delayed or denied. However, in most of the cases this right is substituted by Stridhanam or Dowry in reality, particularly among caste Hindus and upper class social groups in other religions. More than religion, it is the caste system that determines the status of women in property matters. In both patrilineal and matrilineal marriage systems, women have none or only few independent property rights due to the interplay of traditional norms and customs in the inheritance process.
Stridhanam, was the absolute property of the woman and it is a matter of interest that husbands were forbidden to use or sell the stridhanam, except in times of dire need.

According to LAW (2018) the really thorny issue in women’s property rights was the question of inheritance rights in family property—for daughters to the father’s property and the married women/widows to the husband’s property. Again there was no consensus on these rights, but slowly the view normally entitled them only to their marriage related portions. They could inherit property when there were no sons in the family or if they were unmarried at the time of the death of the father. Somewhat reluctantly, widows were also accepted as having the right to a share of the husband’s property, but, on the death of a widow her share reverted to the heirs of her late husband.

Traditionally there has been no definitive or uniform code relating to property rights of women. The diversity of property rights of women across regions/sub-regions/castes/classes/families can be dealt with only through series of micro-studies.

1.1.3 Land Assignment Policy

According to various studies, the Land Assignment Policy brought during the Land Reforms period also not yielded much result (Thangaraj.M 2004). The two-acre scheme initiated by DMK government in Tamil Nadu in the years 2009 to 2011, also did not yield the desired results. The land already occupied by cultivators were given patta, however, there is no gender segregation provided in the government records for issue of such pattas.

GO No: 432, Revenue Department, dated 17-03-1987, which discusses assignment of agricultural lands (including surplus lands required under land reforms act/house sites patta) in the name of women/wives, has not been implemented in Tamil Nadu. It is noteworthy that majority of the public and local government officials are not aware of this special government order (National Land Rights Coalition, 2014).

Land ownership is protected under the legal system and incentives are provided to improve the agricultural productivity (however, issues of neglecting vast number of marginal holdings are reported). On the other hand, the commons are maintained by local administration under the State department. These arrangements have no accountability to the common public except through the system of Local Governance.
The 11th Schedule of 73rd Constitutional Amendment mandates the states to devolve power over common property resources, land reforms and agriculture to the local governments. However, in practice very few states like Kerala and West Bengal have progressed in this direction.

The Panchayat Raj system, created with the purpose of developing socio-economic programme to bring social justice and economic development is facing many impediments due the ideological tussle related to statehood and citizenship. Further, the fast-approaching market economy in rural livelihoods also creates complications in achieving social justice and economic development of the common masses. (Palanithuri.G and Ramesh.R, 2008)

While land is perhaps the most obvious asset to redistribute, it needs to be bore in mind that economic opportunities in India depend on much wider range of endowments. Even in rural areas, land is no longer the overwhelming determinant of economic inequality. The access to irrigation sources, and of other environmental and ecological systems, distribution of formal sector employment, educational facilities, and affordable credit arrangements are examples of other influential factors for the farming sector livelihoods and land rights. Opportunities for redistribution relating to these diverse endowments have to be considered, along with the scope for land distribution.

1.1.4 State Policy and Land Governance

According to Land Reforms the Land Reforms Act of Tamil Nadu (Ceiling Fixation on Land)1961, permitted 30 acres of land for a 5 member family and extra five acres each for every additional member. In such a way it allowed up to 60 acres of land for every family. In the year 1972, this law got amended and ceiling was brought down to 30 acres. For five-member family 15 standard acres were permitted. However, this law neither recognise land as livelihood source nor land to the tillers except saying the purpose of the act is “to decrease the imbalance in the ownership of the land of agriculture and such land concentration with some individuals and to spread such land among the landless poor”.

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Further, the state policy towards transformation from agrarian society to industrial society raises more concern on the land question. Brief review of the changes brought in by the government would reveal shocking realities affecting the rural livelihoods, particularly farming sector.

The role of state in India seems to have got reversed; after Independence, through reforms of land, the government tried to create a socialistic society pattern through land redistribution, which is now being reforms through developed land acquisition from owners of small and medium enterprises for industrialisation (Singh, 2017). People displaced by development projects face challenge and risks of impoverishment that involves social disarticulation, landlessness and loss of access to common assets (Cernea, 2005). This recent land acquisitions wave was preceded by two earlier periods – the 1980s and 1990s rush for land for mining, operations of logging and tourist facilities following the economic liberalization policies adoption in developing nations; and the huge acquisitions in colonial-era specifically, in settler colonies, in the 19th and 20th centuries (Moyo, Yeros, and Jha, 2012).

In the above context, the clarity on Rural Women’s Land Rights and their Empowerment needs to be arrived from the social policy as well as state policy perspectives as both happen to be the determining factors in the status of Rural Women.

### 1.1.5 Women’s Land and Property Rights Status Globally

The FAO has identified that, “Inequalities in gender in rights of land are pervasive. Not only do women have reduced access to land than men, they are always limited to so-known and rights of secondary people, referring that they own these rights through members of male family. Thus, women risk losing entitlements in divorce case, widowhood or migration of their husband. The proof also reveals that the land parcels of women are usually lower quality and generally smaller in size” than men’s (United Nations Human Rights Committee (2000). Women have much tenuous rights to land for single women or those whose marriages are not formally identified.

While the land and property rights of women are essential for growth, the fact still remains that in several parts of the world these rights are not always shared evenly between women and men, and are denied, violated routinely and given inadequate enforcement and protection. The challenges which hinder women from efficiently
enjoying these rights in the same measure as men do, are difficult, and many a time specific to context. They range from insufficient legitimate standards and law implementation, to discriminatory attitudes, social rules and programs at the local, national and regional levels, which combine together to result in vast discrepancies in practice between growth results for women and men.

In several countries, the outcome of gender biased customary laws, statutory laws, attitudes, social rules and traditions imply that women do not or cannot access, use, own, control, lease, inherit or rent property and land without a man’s consent. This outcome is a form of social exclusion with restrictions on a woman’s capability to involve equally and completely with men in their communities and even homes. Certainly, protective rights to essential resources are linked to wider social concerns of status, power, economic independence and personal autonomy. These problems are in turn associated to gender discrimination patterns in work, education, family responsibilities, income and involvement in the decision-making process at multiple levels; a cyclical discrimination pattern which pervades in both developed and developing countries.

The exclusion of women from customary and formal inheritance of property has captivated spirited attention over the past few decades. Because inheritance of property is privy to how the wealth changes hands within a society, it is directly related to safeguarding women’s long term financial security and livelihood. This problem is significant, particularly because it involves certain systemic reasons for women’s greater poverty level around the globe and disproportionately insecure property and land rights. Certain formal laws do not ensure same inheritance for men and women, and for sons and daughters. Moreover, in several customary legal systems, major rights of property are allocated to males in household, and widows are not allowed to inherit those rights from their deceased husbands. Security for women, which may have occurred traditionally, are removed as pressures of land develops. For example, widows may have retained the right traditionally to utilize land of matrimony and remain in matrimonial house until their remarriage, death or while their children are not married. Over the past many years, widows, specifically those who are younger, have predicted themselves vulnerable especially to their in-laws taking the land, leaving them homeless and landless (FAO, 2009).
Inequality among genders in protective rights to property and land impedes growth in accomplishing inclusive social and economic growth, security and peace and environmental sustainability—four dimensions for the Team of United Nation System Task on Post-2015 United Nation Agenda of Development recognized as needing development to construct a sustainable, equitable and secure world. This disparity leaves households and women they impact as socially and economically vulnerable. The data examined by the Development Centre of OECD reveals that nations where women lack opportunities or rights to hold land have on average 60 percent more malnourished children than nations where women have equal or certain access to land.

1.1.6 Women’s Empowerment

Women empowerment is considered as most important factor for overall development of women and society. Mason (1998) stated that, women who have their own land may have greater economic power in India. At the same time, only a small percentage of women have their own land. Empowerment is about assets and objects which women possess to improve their influence or security, which also improve their household power. Land ownership increases women’s influence and security and thus it acts as a major source for empowering women. According to Malhotra and Schuler (2005), empowerment is a process or concept that describes the increase in the ability of women in making choices about their environment and own lives. Women Farmers play a crucial role in food production and processing in India. Around 65.5 of economically active women in India are engaged in agriculture constituting about 41 percent of the total agricultural work force compared to men who are 24.9 percent. About 60-80 per cent of food production and 90 per cent of dairy products are produced by women producers. For women, working in farming sector, whether cultivators or agricultural laborers, land relationship brings different experience and definition of land rights by chance occurrence or by design in their village set-up. Here chance occurrence is about being an important breadwinner of farming family along with their husbands or family members and by design means women’s own choice of being a farmer with the support of external conditions like state or civil society support. Rural women’s productive and re-productive role is directly related with access and control over land. It gives them an identity. It serves as an economic asset. It provides an opportunity to share their labour with fellow women in their areas/village. Land ownership, access and control over common property resources as well as sharing their labour, produce and care for/with others. In this way,
women farmers’ relationship with land is not only confined to their own well-being, but also the other cross-cutting identities (within the community and society) may bring with the ownership with land. Hence, the definition of land rights from the women farmers’ perspective is very crucial to enhance their status and position as well as their empowerment. In this context, the land rights and land ownership are directly related to the empowerment of women. Along with these rights, there are other resource rights like access to water and credit facilities, sharing of labour, access to commons, forum to participate and represent their concerns, which may facilitate them to empower on their own and to empower fellow women.

1.2 STATEMENT OF PROBLEM

The issue of land rights for women remains as a most difficult one although it is widely recognized as most important for the development of women (Allendorf, 2007). Several arguments have been made that, educating girls and empowering women will help to improve the situation of women and in turn ultimately benefit everyone in the society. At the same time, this argument is considered as most difficult in the terms of land. Agarwal (1994) stated that, like women’s other issues, it is essential to realize that women’s land rights are most important which have ability to empower women, increases productivity and economy and also promotes well-being and welfare. Recognizing and securing land rights of women will help to improve welfare which in turn increases agricultural productivity. Women farmers are in vulnerable position due to various reasons which include a lack of recognition as farmers, lack of ownership on land, lack of access to natural resources and the rigid patriarchal structure in the society. While their access to land resources through households’ arrangement enables them to meet the minimum survival needs, their development with respect to identity, security, income, political participation, are largely unmet. Women farmers in rural areas are in a position to negotiate through various spaces to achieve their socio-economic and political empowerment. They are in a struggle to articulate their land rights within and outside their households and community. In this situation, it is pertinent to identify the gender gaps in Land Rights Governance through a Gender Just framework to scale up the women’s empowerment process beyond welfare policy, legal pronouncements and schemes. It is also significant to understand how the rights are being exercised and to what extent they are in a position to use their rights for their betterment as farmers. Hence, the proposed study aimed to assess the land rights utilization for the
empowerment of rural women focusing on related issues of women farmers by developing a set of empowerment indicators based on earlier field-based study. Women’s Empowerment and its relationship with Land Rights and women’s empowerment and the role of women in changing socio-economic inequalities are now recognised as most important issues across sectors and governments. Though there are progressive steps taken by several nations to bring women into the policy mainstream and development discourse, especially in developing countries like India, the situation of women in rural areas is still lacking in several ways. Only a limited number of studies have been conducted in order to investigate the land right utilization for the empowerment of rural women. Thus, it is clear that, existing studies fail to investigate about such issues in-depth and so the gaps identified in previous researches were addressed in this study and explained clearly. By critically analysing the existing researches, this research aims to provide a clear overview about the land right utilization for the empowerment of rural women particularly in Tamil Nadu, India.

1.3 RESEARCH QUESTIONS

The following questions have emerged to address the research problem.

1. Has the land rights of women lead to empowerment of women?

2. What are the enabling conditions and obstacles for realizing land rights of women, in the process of empowerment?

1.4 OBJECTIVES

The following are the objectives of this research

1.4.1 Broad Objective

1. To explore the structural and systemic opportunities and barriers in realizing Land Rights of Rural Women

1.4.2 Specific Objectives

1. To examine the evolution of land rights from different ideological positions in the history and its implications on women belonging to different social groups and the factors influencing gender inequality in land rights
2. To identify the women’s contribution to the sustainable use of lands and its impacts and to understand the process of empowerment and the available space for women to be empowered in relation to land rights in -- their family, household and village through negotiations, participation and struggles

3. To trace the changes in the state policies, legislations and programmes over a period with regard to land rights and its impact on women with specific reference to Tamil Nadu and;

4. To propose the framework for the land right utilization in the empowerment of rural women and empirically test the same with respect to the context of Tamil Nadu women

1.5 SIGNIFICANCE OF THE STUDY

This research will contribute to the study of land right utilization for the empowerment of rural women. Apart from these, the present research will also provide an overview about the women’s land rights and about the situation of women farmers towards better policy-making in the nation. At the same time, proposed study will help future researchers to know about the lack of features related to women’s land rights and empowerment. This research gives a better idea about the various factors that relate to empowerment of rural women. In addition, present study explains about the role of women in agriculture, women’s contribution to the sustainable use of lands and its impacts. Here, the factors influencing gender inequality in land right and the role of international and national efforts in empowering rural women along with case of Tamil Nadu are explained clearly. Hence this research provides new insights for the future researchers to understand the present impeding features of land ownership for women and how these affect the empowerment of rural women and also present situation of women’s land rights.

Empowerment as both concept and practice is very subjective and dependent on the supportive factors. Women are considered as the agency to protect the family property. There is a common perception that, women farmers with better irrigated land and access to other resources are better positioned than the women left with dryland or landless laborers. Therefore, the above mentioned two groups of women have different
dynamic relationship with land, that former needs to find their empowerment space within the available sources and space and the latter need to find alternate means to meet the livelihood needs along with finding space for their own empowerment. Further, the interplay of caste and gender in rural society is a considerable element to decide the position of women’s role beyond livelihood means. The purpose of the present research is to explore how women of different social groups negotiate their rights and spaces in relationship with land and natural resources. The existing studies on gender and land rights in the development discourse have considered land rights as crucial entitlement for women farmers. The earlier studies analysed the same by collecting data from the field as well as using secondary data. This analysis helped to understand the process of empowerment using land rights indicators. The framework also helped the researcher to explore marginalization of women due to lack of access and control over land. The existing primary research focuses upon the experiential learning and empowerment process using land as primary source of livelihood. It also highlights the potential of land to enable the women as empowered. This would help to define land rights from more inclusive perspective for better governance.

1.6 DELIMITATIONS OF THE STUDY

- This study focuses only on the land right utilization for the empowerment of rural women
- This study is limited to Tamil Nadu, India alone
- This study involves women farmers exclusively from Tamil Nadu

1.7 DEFINITION OF TERMINOLOGIES

**Chance Occurrence** - Happened to be in a position unprecedented by oneself

**By Design** - Deliberate attempt to bring a situation

**Power Elite** - The modern interpretation of this idea was introduced and popularized by sociologist Wright Mills in his 1956 book entitled *The Power Elite*. It is about group of people running the political, economic and military affairs.
Private Property in Succession Law: The Hindu Succession Act, 1956 brought in reforms enabling Hindu women to succeed to intestate immovable property. But Section 4(2) kept agricultural land out of the purview of the Act. This Section was repealed by the 2005 amendments made to the Hindu Succession Act.

Mansabdari—It is an administrative system introduced by Mughal Empire. The whole land vests in the state and officials realised the income obtained from it.

Jagirdari—Allocation of a land piece to an individual for the need of revenue collection in lieu of cash wages is an age-old method in India.

Khoti System—Khoti was a land tenure system in the Bombay Presidency. Different from ordinary ryotwari tenure, where the government collected revenue directly from those who were in occupation of land, in the khoti system the government employed the services of a khot for purposes of collecting revenue. The tenants under khoti system were called inferior land holders. They were subjected to all kinds of extractions, ‘reduced to a state of abject slavery. There were several violent conflicts between inferior holders and the khots, event at times leading to killing of khots. The 1937 law to abolish khoti system by Ambedkar created direct relationship between government and the inferior land holders giving them status of occupants.

1.7.1 Land Rights Narratives- Spoken and Written Account of Land Related Rights

Operational Holding- According to Agricultural Census Report, whole land which is utilized partly or wholly for production of agriculture and is performed as one technical unit by an individual alone or with others without regard to the legal form, title, location or size.

Community Rights enshrined in Law: Small portion of land encroachments by SC/ST in commons can be exempted from Eviction. (Revenue Board of Standing Order 15, Government of Tamil Nadu).

Indian Society –It is a contested phenomenon from the learning’s of the wide ranging anthropological and epistemological studies related to Arian versus Dravidian, Caste System versus Varna System, Hinduism versus Multiculturalism, etc.
Standard Acre - According to Planning Commission definition, a *standard acre* refers to one *acre* of irrigated land perennially, two *acres* of irrigated land seasonally and three *acres* of dry land of crops. As per section 3 (40) of Tamil Nadu Land Reforms Act, one standard acre is equal to 2.5 to 4 ordinary acres of dry land (depends on its per acre assessment rate) and in case of wet land, it is between 0.80 to 2 ordinary acres.

Lineal Descendant – It is an individual who is in direct line to ancestor namely grandchild, child, great-grandchild and on forever. A *lineal descendant* is differentiated from "collateral" *descendant*, which would be from the line of a sister, brother, uncle or aunt.

Gifts from Natal Home during and after Marriage - Louis Dumont (*Affinity as Value*, Oxford, Delhi, 1988, p 87) comments that the ‘function of gift-giving and gift-receiving come down by one generation. A woman gets gifts from her parents, who are later replaced by her brother. The brother/maternal uncle also becomes the gift-giver to his sister’s daughter and other children.

Cultivator – According to Agricultural Census, an individual is regarded as cultivator if she or he was involved either as single worker, family worker or employer in land cultivation held or owned from government or held from institution for payment or private individuals for payment in kind, money or crop share.

Operational Holder– According to Agricultural Census Report (2011), operational holder refers to an individual who has the liability for agricultural holding operation and who performs the technical initiative and is liable for their operation. She or he may have complete economic liability or may share it with others. The operational holder may be a Joint/Individual or Institutional. i) *Individual*: Individual holding is the one where the holding is being performed either by a single individual or by a group of individuals who are same household members. ii) *Joint*: Joint holding is the one where more than two individuals belonging to various households, share as partners jointly in the technical and economic liability for the agricultural holding operation. iii) Government farms, cooperative farms, sugarcane factory farms, lands handled by trusts would be managed as institutional holdings.
1.8 CHAPTERIZATION PLAN

The current study focuses on analysing the land right utilization for the empowerment of rural women and hence has the following chapterization plan:

Chapter 1- The first-and-foremost chapter of any research would be the Introduction, which outlines the research background, aims and objectives, research questions, identification of the research problem, and significance of the study. Apart from these, the introduction chapter would also define about the operational terms along with delimitations of the study.

Chapter 2 -The succeeding chapter Literature Review presents an overview of existing studies upon the chosen topic and its relevant aspects. This chapter discusses about the land rights, interconnections between land rights and gender, and also about lack of land rights for women and its impact. Apart from these, this chapter will discuss the women and land use pattern, international and national efforts and also examine the case of Tamil Nadu. In addition to these, this chapter will discuss about the factors influencing the empowerment of rural women, role of land rights in empowering rural women and the structural and systemic opportunities and barriers in realizing land rights of Rural Women. This literature review chapter will also discuss about role of women in agriculture, women’s contribution to the sustainable use of lands and its positive impacts and also about the factors influencing gender inequality in land right. At last, this literature review chapter also proposes the framework for the land right utilization in the empowerment of rural women along with the research gap.

Chapter 3-The third section in this research deals with Research Methodology where the methodologies such as: research paradigm, research design, research approach, data collection techniques, population, sampling, and sampling techniques will be discussed. Apart from these, this chapter will also discuss about the methods for analyzing the data validity, reliability, interpretation, etc. Thus, by these research techniques, the researcher would be able to validate the data gathered through appropriate techniques and methods. Thus, it paves a way for researcher to utilize the data for further analysis or by other researchers for future researches.
Chapter 4 - The fourth chapter provides Quantitative empirical data analysis. In this chapter quantitative data collected would be represented in terms of graphs and statistical analysis.

Chapter 5 - The fifth chapter presents the Qualitative empirical data Analysis. In this chapter quantitative data collected would be analyzed using thematic analysis approach through the interpretation of the transcripts collected from the primary respondents.

Chapter 6 - The sixth chapter in this research will be Integrated Analysis. This chapter will be in relevance with the literature and research objectives and also the findings and analyzed data would be verified with the formulated hypothesis in order to check whether the hypothesis is true or not. Once the results obtained are proved as true, then they will be validated against the objectives to provide information that the study is effective and valid. Thus, the Integrated Analysis chapter would provide valid information and reliable results to argue with or to conclude the research.

Chapter 7 - The final chapter of the research is Conclusion. Finally, this chapter summarizes the whole research from introduction, research methodology, research objectives and questions into one sole section as Conclusion and Recommendation. In this section the researcher would effectively solve the identified problem or would try to solve the issue with recommendations. Thus, the conclusion and the recommendation section would provide the future researchers with valid findings, recommendations and suggestions to ensure empowerment of rural women through land rights.

The thesis in addition to that will also include

Bibliography: In this particular section the references utilized for the research purposes would be listed-down.

Appendices: In this particular section the tools used for primary data collection and the transcripts of the interview collected would be included.