Chapter IV

Changes in Land Legislation and Women’s Position in Agriculture
Land is a significant form of property, which is a critical determinant of economic well being, social status and political power. In India, agricultural land is the most important form of asset which not only provided sufficient means of subsistence to the farmers but also employment opportunities to the agricultural labouring classes. In the patriarchal (male dominated) society, land is owned and controlled by men and the women were deprived of land rights (National Commission, 1988). Although, a large number of women worked on agricultural land but their land ownership was not more than 2 per cent in the country (Velayudhan, 2009).

It was revealed by the World development Report 1996 that, female agricultural labourers had fewer opportunities to secure livelihood because of the constraints to ownership and lack of access to credit (Labour Commission, 2002). A farmer who ploughed the land is always considered as a male and therefore was the beneficiary of land and this bias still persisted in farming. The National Sample Survey of India Survey of Farmers (2003) defined a farmer more precisely as “a person who possessed some land and was engaged in agricultural activities on any part of that land during the last 365 days” (GOI, 2008).
In Uttar Pradesh, the factual situation at the grass root level showed that the percentage of women involved in agricultural activities were larger than men and hence their contribution to agriculture was more than their male counterparts. Despite the significant role that women played in agriculture, they were never viewed as farmers. This was mainly due to their lack of control over agricultural land. According to the Annual Report of the Gorakhpur Environmental Action Group (2006-07) the distribution of land rights to women in U.P. showed a very gloomy picture as only 6 per cent of women legally owned land while the joint ownership over land was only 3 per cent. Therefore lack of access to security of tenure and ownership of land was a serious limitation for women farmers. The risk of poverty and the physical well-being of a woman were significantly dependent on her direct access to income and productive assets such as land.

Historical records showed that land was not formally owned in the subsistence production system, but the use rights were vested in men and women who produced food for the kin (Smith and Trujillo, 1999; Guerny and Topouzis, 1996). During the 17th century in Awadh, women of both Hindu and Muslim communities were found inheriting, selling and otherwise disposing of their Zamindari or Milkiyat rights (Habib, 1999). According to Jassal (2001), women of the Mughal period held land
collectively, and became shareholders under the *Farman-e-Musammati* tenure. Females also obtained their shares in *Zamindari* in the form of *mihr* or dowry claims upon their husbands.

During the reign of Akbar, the grants were provided to women and this continued in the later period as well. Although the *madad-e-maash* grants of the Mughal state gave rights to a limited group of women over land to use it as a productive resource. However these women belonged to the ruling class and could theoretically enjoy full proprietary rights over land but only under certain specific conditions (*ibid*). These women did not actively participate in the agricultural activities. Therefore the land rights were not beneficial for them. Women of high class families were secluded and restricted from cultivating the agricultural land along with their men (Jafri, 1985).

Although women of the wealthy households in some regions sometimes possessed and transacted in landed property, but the degree of control over it typically remained limited. In case of Muslim women most of the times, the agricultural holdings were given in the form of *mihr* (dowry claims). According to Habib (1999) there were numerous cases in the Allahabad region during the 17th century where Muslim women often obtained their share in *Zamindari* in satisfaction of their dowry claims upon their husbands. Although women received some share in
agricultural land, it was their husbands and the other male family members who were selling and using the Zamindari land. There were substantial evidences that the economic resources were in the hands of male members of the household which often did not benefit the female members in equal degree. Habib (1999), further illustrated that, in the original documents of Oudh, a number of Muslim Shaikhs and Hindu carpenters sold the Zamindari rights of their women, they declared, “they acted for themselves and on behalf of their mother and sisters”.

Thus it was established that women did not practice full control over land but had rights only for namesake. This showed that, although during Mughal period women had the right to lease out, mortgage, bequeath or sell the zaminadari land, but this remained merely on paper. Further, their heritable capacity was made subject to certain conditions such as chastity, not getting married again, etc. Also, their rights were not absolute in the inherited property. Women could neither spend the share as their own nor had power over it as regards gifts, mortgage or sale (Devi, 2006).

Therefore, there was a difference between the legal ownership and effective control over land. Rights in any form of property were defined as claims that were legally and socially recognized and enforceable by an external legitimimized authority, be it a village level institution or some
higher level bodies of the State (Agarwal, 1994). Rights in agricultural land should always associate with the right to use the land by the person who is the rightful owner. A woman’s legal right to own agricultural land should be recognized as socially legitimate and should also be enforced by the law. But women have always been marginalized and denied land rights, not only by their family and society, but by the policy makers as well.

Agricultural land was largely owned by the males and was unevenly distributed. The land legislations did not provide equal rights to women in agricultural land. The traditional usufruct rights that women held to community land were lost after the land reforms (Masika, 2002). Land tenure referred to the institutional arrangements governing the ownership and utilization of agricultural land. As such, it is an extremely complex system, reflecting the multiplicity of relationships between men and women (Tai, 1974).

The policies on land reforms suffered from patriarchal ideology as the distribution of land and house sites were usually given to the male head of the household. Although the objective of land reforms was to confer ownership of land rights to the landless, and give security of landholdings to marginal and small farmers but it did not provide full fledged rights to women farmers. It was also observed that, women of the
peasant class primarily involved in agriculture as agricultural labourers and small cultivators did not get any land from the state. There were no privileges under the State law that granted full control over land to such women.

Mishra (2006) highlighted that, in spite of women’s significant participation in peasant movements, they were not given rights to claim agricultural land independently. Women working as agricultural labourers and as small or poor peasants never viewed agricultural land as property. For them, it was the source of livelihood. Their life was also completely embedded in agriculture, while for the upper classes land was held and controlled as a means of private property. Effective access to land was perhaps the single most significant determinant of economic and social status and power in rural India. And women’s unequal access to agricultural land was one of the most important forms of persistent gender inequalities.

4.1 Tenancy Acts and Implications for Women

Men predominantly controlled the pattern of land allocation and this formal ownership of land was passed from father to son. Such pattern of land ownership still prevails and is followed by the policy makers in the formulation of land reforms. We can see the glimpse of this pattern of land ownership in almost all the Tenancy Acts.
When the Agra Tenancy Act 1901 was passed, the devolution of tenancies and the division of rent was given to males. In the order of succession, male lineal descendants in the male line were the Class I heir, under section 24 of the Agra Tenancy Act, 1901. The land rights of women were completely dependent on their marital status. Only widow of the deceased tenant holder had the right to transfer the land in her name and came under Class II heir (Government Gazette, 1925).

As far as daughters' rights in the agricultural land were concerned, the Agra Tenancy Act of 1901 gave no privileges to unmarried or married daughters of the deceased. If there was no male heir of a female tenant holder then the interest in the holding after her death devolved on her daughter's son, provided that he was dependent upon the deceased tenant at the time of her death under sub-section 2 (Section 25). Further it was found that, if widow who inherited an interest in a holding under section 24, died (or remarries) or surrendered or abandoned such interest, then the holding will not go to her heir but to the heirs of the last male landowner (under section 25). Hence, even for widows there was no certainty of land rights, as the land went back to the original source which was dominated by men.

The question of remarriage was also a matter of concern as it directly terminated the tenancy rights of a widowed woman and deprived
her from using the agricultural land. It was perceived that after remarriage, the female would at once become dependent on her new husband for her livelihood and should therefore be considered to have had no interest in the inherited tenancy (Government Gazette, 1926). This showed that in the male dominated society the women were subordinate to their husbands and depended upon them for their survival.

In the Agra Tenancy Act 1926, it was again found that the inherited interest of a widow lasted till her death or remarriage and on the occurrence of any of these circumstances, her interest passed on her husband’s reversionary heirs (Bilgrami, 1940). In Gazette 1926, an order no. 3671C/1A-487/1908 was passed by the Revenue Department of United Provinces, under which the word “or re-marries” was struck out. It was considered that re-marriage ought not to entail forfeiture of a widow’s interest. On her death, the heirs of the first husband, not her second husband, succeeded to the land.

Later the United Provinces Tenancy Act, 1939 also omitted the word ‘remarriage’ but there was no change made in the enforcement of the law in this regard. The question of inherited tenancy of a female tenant was dealt within Section 36 of this act, which stated that, “when a female tenant inherited an interest in a holding as a widow or as a daughter, ‘marries’ then such holding or such part of such holding shall
pass to the heir of the last male tenant holder”. Hence it was noticed that, the word ‘remarriage’ was replaced with ‘marriage’ as it applied to both widows and unmarried daughters. The reason behind this was the introduction of a new class of heirs in the order of succession that comprised of unmarried daughters.

Before the United Provinces Tenancy Act of 1939, daughters had no share in the agricultural land. According to Section 35, when the occupancy tenant holder died then his holding devolved in accordance with the order of succession and the unmarried daughters were held very low in the following order,

"a) Male lineal descendants in the male line of descends:

Provided that no member of this class shall inherit if any male descendant between him and the deceased is alive;

b) Widow;

c) Father;

d) Mother, being a widow;

e) Step mother, being a widow;

f) Father’s father;

g) Father’s mother, being a widow;

h) Widow of a male lineal descendant in the male line of descent;

i) Unmarried daughters”

Therefore only unmarried daughters could become the tenant holder but their position was very low and they could only inherit the tenancy rights in the absence of the male heirs and that too after seven
lines of descendants. The rights of step-mother, father’s mother, widow of a male lineal descendant in the male line of descent were also included from the United Provinces Tenancy Act, 1939.

Thus, in all the tenancy Laws women’s right to own agricultural land were constrained by their marital status. Even if the laws were not discriminatory, they failed to protect women’s interests. Since the land was owned by men in the patriarchal system, credit was denied to women.

4.2 Uttar Pradesh Zamindari Abolition Act, 1950

After Independence, the Zaminadri System was abolished in almost all the states of India. In Uttar Pradesh, the first Congress Government under the leadership of the first Chief Minister, late Pt. Govind Ballabh Pant, took up the task of agrarian reconstruction by enacting Zamindari Abolition Land Reform Act, 1950 (Mishra, 1996). Masika (2002), Chaturvedi (2002) and Sharma (2006) stated that traditionally women had rights to use community land. But when changes were brought in the tenurial system right after Independence no place was however given to women. After the introduction of land reforms, land titles were given to men, denying women’s access to land.

All the revenue and land reforms acts were highly discriminatory. This was clear from the fact that Section 10 (2) of the Uttar Pradesh
Zamindari Abolition and Land Reforms Act, 1950 (UPZALR) did not consider women as a tenant holder. This section stated that, nothing shall apply to a tenant if his land holder is, a woman, a minor, a lunatic, an idiot, a person incapable of cultivating by reason of blindness or physical infirmity (GOI, 1953). Hence women were placed under the disabled category. Under this act, the devolution rules favored the male lineal descendants, which were applicable to three main classes of tenant holders i.e. bhumidhar, sirdar and asami (Section 129). Among these three classes of land holders the heritable and transferable rights were not granted to sirdar or asami (Section 153).

Therefore, Uttar Pradesh was one of the states where a sirdar did not have a right to bequeath his rights by will (Sharma, 1984). A bhumidhar could not ordinarily give his holdings to women but only under the circumstances that they were either unmarried or if married, divorced or separated from her husband, or a widow could hold the land in lieu of maintenance allowance (Section 157). A woman could also hold land in case if her husband was a lunatic or an idiot and a person who was incapable of cultivating by reason of blindness or other physical infirmity (Prakash, 1971). The women bhumidhar had no rights to bequeath her holding or any part of it; UPZALR, 1950, under sub- section (2) of Section 169 showed that,
'No bhumidhar entitled to any holding or part in the right of a widow, mother, step-mother, father's mother, unmarried daughter, or unmarried sister, may bequeath by will such holding or part'.

Therefore land rights could not be transferred by choice of the women landholders. There was strict enforcement of the law in distribution of the land holdings. In case of male landholders the transfer of land by will was also questionable. The owner was restricted in the sense that, sometimes, the rights were misused by the father or karta of the family. It was seen that this threat loomed in the minds of the sons and other descendants. Because if the karta went astray or due to his bad habits or loose character, wished to transfer the land recorded in his name by way of gift, sale or mortgage, then there should be some restrictions otherwise it would cause large-scale disintegration of families in rural areas (Agarwal, 1993).

As far as transferable rights in agricultural land were concerned, UPZALR, 1950 provided some concession to women. For this purpose Section 171, states that,

"When a bhumindar, sirdar or asami being a male dies, his interest in holding shall devolve in accordance with the order of succession given below:
a) The male descendants in the male line of descent in equal shares per stripes...
b) Widow and widowed mother and widow of a predeceased male lineal descendant in the male line of descent, who have not remarried.
c) Father;
d) Unmarried daughter
e) Daughter's son
f) Brother, of the same father”

The daughters retained the land as long as they remained unmarried, but after marriage they were separated from ownership of land and it descended to the brothers and to the next heir. This provision was strongly gender biased as daughters and widows had no right of inheritance when the sons were alive. Such scheme of inheritance showed that in comparison to a male, the female was not entitled to hold the agricultural land. Under this, the male lineal descendants in the male line of descent inherited equal shares. “The claims of a widow and unmarried and married daughters were preceded not only by the lineal male descendants in the line of descent, but even by their widows who have not remarried. The exclusion of the widows and the daughters could not be justified on any principle” (GOI, 1974).

In spite of great appreciation that the Act received for abolishing Zamindari system, it did not grant economic independence to farm women. Hence under this law a limited section of women received transferable rights in agricultural land and the large section of women
agricultural labourers were left without land. These women were economically the weakest section of the agricultural class. Most of the women labourers had marginal holdings, therefore their chief support for livelihood was labour. Women labourers sometimes got land to cultivate on sub-lease, but that too was small in area. The female labourers worked under many difficulties; they were ignorant, illiterate, unskilled and unorganized as well.

The UPZALR, 1950 only provided rights to a *bhumidhar*, *sirdar* and *asami*. However, there were no provisions made for a labouring class to be a *bhumidhar*. The criteria for acquiring *bhumidhar* rights had been made so intricate that it became almost impossible for poor female labourers to acquire land rights. The tenants could obtain *bhumidhar* tenancy on payment of a price equal to ten years of rent/revenue as stated under Section 134 of UPZALR, 1950. Only a small portion of *sirdar* tenants exercised this option (Leaf, 1998).

It was observed that after the Land Reforms Act 1950, most agricultural land in Uttar Pradesh was legally inheritable principally by males, denying the rights of women to own land. Unmarried daughters and married minor daughters also did not receive any recognition in the land reforms. The daughters, married as well as unmarried, came even after the father, though between the daughters also, the unmarried ones...
got preference. It was argued that daughters should not have a legal share in agricultural land because it would cause fragmentation of land holdings and because daughters also received dowry (Agrawal, 1997). The tenure holder was allowed to hold additional land on account of adult sons. Under the land devolution rules, any such land will ultimately pass to the sons.

The UPZALR Act, 1950 was further amended in 1952, 1954, 1956 and 1958 (Haque & Sirohi, 1986). But there was no change in the land rights of women. According to the general order of succession to agricultural holdings under the Consolidation of Holdings Act, 1954, the widow and widowed mother and widows of a pre-deceased male lineal descendant in the male line of descent acquired land till they were not married (Behari, 1971). The Uttar Pradesh Zamindari Abolition Act, 1950 was discriminatory in treatment of female heirs since the inheritance laws were not applicable to agricultural land.

Moreover, when the Uttar Pradesh Imposition of Ceiling on Landholdings Act of 1960 was passed with the objective to distribute land to the landless labourers, there were no specific provisions given to women (Arora and Singh, 2009). This law did not consider women for redistribution of agricultural land though there were few clauses intended to protect women’s holdings [Section 3 (17)]. The UPZALR Act, 1950
also supported the notion that family land should pass from fathers to sons only. It encouraged male control over land rights by placing less value on the rights of daughters. Also the social customs pressurized daughters to surrender their share of inheritance of land to other male family members (ibid).

However, the land reform laws of Uttar Pradesh have very few protective clauses for women and very little efforts have been made to grant women access to land. Even though the women have full right to own agricultural land under the constitution which granted Right to Equality under Section 14 but, due to the patriarchal system and lack of independent financial resources, women rarely owned agricultural land.

4.3 Inheritance Laws

Equality in land rights is a significant element in women’s economic empowerment. Providing land to women would empower them economically as well as strengthen their ability to challenge social and political gender inequalities. There were three major ways by which women could gain land, which included State transfers, inheritance and through market (Agarwal, 1998 a; Mishra, 2006; Sharma, 2006). While agricultural land in Uttar Pradesh formed the bulk of property, there was total denial of rights to women.
Tenancy rights in agricultural land were specifically exempted from two most important inheritance Laws which included the Muslim Personal law (Shariat) Application Act, 1937 and the Hindu Succession Act of 1956. It was surprising that, before the introduction of Agra Tenancy Act 1901, among Muslim community the tenancies passed according to the Muslim personal law. Therefore the daughters and widows of Muslim families inherited full rights over land. It was held that according to the 1901 Act, the widow’s interest in a holding terminated by remarriage. But where she inherited the interest under the personal law (in Agra region prior to 1902) the position was that her interest did not terminate, if she was either, “(a) Member of a community in which the widow inherits a full estate and not merely a life-estate from her husband (e.g. a Muslim widow) or (b) a member of a community in which widow remarriage has been permissible prior to, or independently of, the Hindu Widow Remarriage Act, 1856” (Bilgrami, 1940).

The Islamic rules of succession were very sophisticated but a general principle that discriminated against women was that the inheritance of agricultural land was explicitly excluded from the scope of the Muslim Personal Laws. The Shariyat Application Act of 1937 which was applicable to Muslims in India did not give rights to women in
agricultural land under Section 2 (Cotula, 2002; Mishra, 2006; Devi, 2006, Sridhara et al., 2009).

In Uttar Pradesh customs governing the devolution of agricultural land prevailed strongly according to the UPZALR, 1950, where the male lineal descendants in the male line of descent were typically the first order heir in the inheritance of agricultural land. Therefore, severe gender inequalities continued to characterize succession among Muslim women to the most important form of property rights. Bhatt (2008) stated that,

"While the Shariat allows Muslim women to inherit agricultural property as full owners, the 1937 Act, as applicable in India, excludes Muslim women's right to agricultural land”.

In Uttar Pradesh the Shariyat Application Act of 1937 was not amended and the women’s inheritance in tenancy land depended on the state level tenurial laws, which specified an order of devolution that strongly favored male heirs. However studies showed that few southern States extended the Shariya Application Act to agricultural land and provided land rights to women. For example Tamil Nadu and Andhra Pradesh amended the Act in 1949 and Kerela in 1963 (Cotula, 2002). Few other states like Maharashatra, Gujrat and West Bengal have also amended the inheritance laws (Mishra, 2006 and Bhatt, 2008).
Another inheritance law which could provide land rights to women was the Hindu Succession Act (HSA), 1956. This Act considered women as an equal and absolute owner of property, with full rights at her disposal. Although the HAS, 1956 gave complete independence to women for acquiring property rights, still the tenancy rights in agricultural land were exempted from the Hindu Succession Act, 1956. It left untouched the provisions of tenurial laws which dealt with the fixation of ceiling or the fragmentation of agricultural holdings, or the devolution of tenancy rights with respect to such holdings. Section 4 (2) of the Hindu Succession Act, 1956, stated that,

“Nothing containing in this Act shall be deemed to affect the provisions of any law for being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceiling or for the devolution of tenancy rights in respect of such holdings” (GOI, 1957).

Thus legislation affecting women’s rights in certain categories of agricultural land varied from state to state, reflecting regional differences in social attitudes and in legal approaches. It has taken India nearly 50 years to eliminate gender inequalities from the Hindu Succession Act, 1956. The Hindu Succession Amendment Act (HSAA), 2005 was a landmark step in correcting gender inequality in property rights over agricultural land. This Act brought all agricultural land on par with other
property and made Hindu women’s inheritance rights in land legally
equal to men’s across states, overruling any inconsistency in state laws
(Planning Commission, 2007). The second major achievement provided
by the Act was that it also included daughters, especially married
daughters, as co-parceners in joint family property.

Although majority of women in India will gain benefits from the
HSAA, 2005, Muslim women’s right to agricultural land continued to be
unequal. It was found that many states responded in order to remove
gender inequalities by taking measures for improving women’s access to
land and landed property. States like Karnataka, Tamil Nadu and Andhra
Pradesh amended the Hindu Succession Act, 1956 (GOI, 2009). This was
clear from the fact that Kerala has the highest percentage of women
holding agricultural land, followed by Andhra Pradesh, Tamil Nadu,
Karnataka and Maharashtra (Fig. 8). In all these states the percentage of
women’s share in land was higher than the All-India level. The situation
was worse in rest of the States and especially in Uttar Pradesh, where
tenurial laws were completely against women (HDR, 2006). Uttar
Pradesh has the lowest percentage of women land holders (Fig. 8).

Although U.P. was the only state which had the highest percentage
of male land holders as compared to the rest of India. Uttar Pradesh is yet
to take adequate steps to provide Constitutional safeguards to women’s
right in agricultural land. In U.P the succession rules relating to agricultural land were different from the personal laws. Large numbers of women in agriculture were still landless In Uttar Pradesh (Arunachalam and Kalpagam, 2006; Gupta and Maiti, 2008).

Figure 8. Percentage of Agricultural Land Individually held by Males and Females in various States in 2000-01

Source: Agricultural Census, 2000 – 01
Note: the percentage was calculated for each State.

4.4 Need and Importance of Land Rights

Land is not only a source of security, but also a source of food supplies and livelihood for poor women. Therefore, transfer of land in the name of women can provide economic strength and also a platform for exercising various income generating facilities (HDR, 2006). The Access and ownership of agricultural land may therefore help in improving women’s condition. Landless women labourers in the context of this research referred to those women who do not have agricultural land of
their own but were engaged as casual labourers on other peoples lands. Since agricultural operations were seasonal, women remained under employed or unemployed in the non-agricultural seasons. During that time most of them were engaged as construction workers (Kumar & Varghese, 2008).

According to the Government Report (2008), women agricultural labourers in rural areas remained out of labour force for more days in a year, which was almost double of the men. Thus land rights could enhance the probability of finding supplementary wage employment and served as an asset base for rural non-farm activities.

Agricultural land not only provided direct benefits in terms of crop output, trees, fodder, fuel and garden produce but, also indirect benefits such as collateral credit or an asset which could be sold when needed (Sridhar et al., 2009). It was also observed that, in the absence of land, the male agricultural labourers migrated to the neighboring states and big cities in search of better employment opportunities. The seasonality in agricultural operations was also a major reason for labourers’ migration to other regions to look for work during the lean periods. Sen (1999) examined that, men migrated for the survival of their families and women migrated only in extreme conditions when there was hardly any work in the villages. Therefore, in the absence of male members the entire
responsibility of the household fell on females. As a result women bore
the burden of poverty. In the absence of agricultural land a great deal of
women’s work was lost.

Agarwal (1994) gave four broad categories for the need for
Independent Land Rights for women, which included Welfare,
Efficiency, Equality and Empowerment. Giving land rights to women in
the absence of males could enhance agricultural productivity by
increasing women’s access to credit, technology and information on
improved agricultural practices. It also may motivate women to make
long-term investments in the land. In addition, it would also strengthen
their ability to challenge social and political gender inequities. Further, it
was observed that, the ownership of land also provided security and
support to old widows from their family members (Agarwal, 1998 b). In
others words, owning land could directly improve the welfare of women.

The importance of land for agricultural women in Uttar Pradesh
was reflected in the demand for land for themselves, so as to sustain their
family needs (Gupta and Maiti, 2008). For instance, a woman named
Indravati, in Machhlishahar village, District Jaunpur said, “Our main
demand is land. We should get at least 2 acres of land and along with
that our daily wages should not be less than Rs.166/- per day (this
amount was worked out by a group of women in a land issue workshop) If
we are provided with this much then only we can take care of our children and other family needs”. Another landless woman, Phuleshwari Devi, who worked as an agricultural worker in the Dalit Community, Village Pasai Kala, District Sonbhadra, said, “Why there are poor and rich in this world. In order to reduce poverty, government should take all lands and distribute equally to all cultivating classes”.

In order to make the Land Reforms programmes an effective way for reducing gender disparities and for removal of poverty, the Uttar Pradesh Government, Department of Revenue, issued order number 104/1-2/95 number -2 on 14th February 1995 (Arora & Singh, 2009). The Department instructed all the District Magistrates to allot government land on the basis of joint pattas both to husband and wife under section 126 and 198 of the Zamindari Abolition Land Reform Act. These pattas were undisputed and were officially declared as ceiling surplus land. The receiver of these pattas was considered the direct tenant of the state (Mahapatra, 2006).

Although the government made efforts to allot joint pattas in the name of both men and women, there were certain loopholes. It was found that, the women were neither aware of the term ‘joint patta’ nor about the government order that described 40 percent of the land settlement exclusively in the names of women and the remaining jointly in the
and misguided by the influential occupiers. Ram Devi, Chamar caste, village Harijanpur, Gonda district said, “In our village 50 pattas for Kol and Scheduled Caste families were made 20 years ago. Till today no one has come to measure the plots. People have occupied lands and are cultivating them. We request that the plots be measured out so that we are saved the hassle of running from pillar to post” (Jassal, 2001).

Even if women possessed land, most of the times such holdings were very small in size. These marginal holdings included those portions of land which were below 1 hectare. Large holdings were never given to women as they were considered inefficient in carrying out cultivation. Fig 9 shows that in U.P. only 0.04 per cent women have large holdings and about 83.86 per cent have marginal holdings which were insufficient for cultivation.

The domination of males over the resources never allowed women to come in the main stream of the production process. In June 2006, a campaign called “Aaroh” was launched, along with other organizations, in 10 districts of U.P. for recognition of women as farmers. A survey preceding this campaign covered 10 villages of these districts and 2,500
women farmers revealed that women were perceived as labourers and not as farmers (Velayudhan, 2009).

**Figure 9. Percentage of Operational Holdings of Females in Uttar Pradesh, 2000-01**

![Bar chart showing the percentage of operational holdings of females in Uttar Pradesh, 2000-01.]

Source: Agricultural Census 2000-01.

Note: Percentage was calculated for each number of holdings, Large holdings consisted of 10 hectares and above, Medium Holdings - 4 to 10 ha, Semi-Medium Holdings - 2 to 4 ha, Small Holdings - 1 to 2 ha, and Marginal Holdings - below 1 ha.

4.5 **Conclusion**

Although, the Land Reforms were enacted with a view to give better and improved rights to those who were within the ‘deprived’ category and also to the holders of limited rights. All the Acts however, only provided protection to women who were widows. In most cases women became landowners after the death of their husbands or because they had no brothers. The old age tradition of inheriting agricultural land by male members of the family deprived women to hold equal share in land. Sometimes the landholdings were so small that it became difficult for the male to share it with women members of the family.
Women who acquired land rights under UPZALR, 1950 received minimum rent due to ignorance. Moreover they found it difficult in supervising the lands which were located far from their houses. Women sometimes acted as mere caretakers of the land and were deprived of the rights to entitlement. They also faced lot of hardship and the social pressures restricted them from owning or declaring share in agricultural land. It was assumed that the widows were supposed to live on minimum supplies. Arora and Singh (2009) reported that, “a widow requires a roti (bread) and a dhoti (sari) to cover her body for the sustenance. If she gets this much then she does not need to ask for the rights to land and willingly surrenders it”. The statement showed that, women on being widowed were deprived of all the benefits and never claimed their individual rights but rather compromised with the given situation.

Majority of daughters inherited agricultural land only when there was no son in the family. They were not given share in agricultural land because of the notion that the daughters were given dowry at the time of marriage. The laws could only benefit women if the social system recognized them as individual units and provided them equal rights to men.

In the recently amended Hindu Succession Act, 2005, unmarried daughters were given the right to inherit agricultural land. However, this
still left a large proportion of women belonging to other communities and religions as landless. Moreover in Uttar Pradesh and few other states of north India, agricultural land was a state subject where land was not distributed according to the Inheritance Laws. Land inheritance and entitlement decisions were mainly taken by male members of the family, village and the revenue department. In such a socio-cultural situation, it was difficult for a woman to assert her land rights.

Land records and management in U.P. were found to be complex and ambiguous. In a rural set up, where literacy rate was very low and was worst in case of rural women, it was difficult for them to understand the laws and the provisions given under them. This emphasizes the importance of education and training as tools for women to know their rights and use their skills in a better way. Once they were educated they could become aware of their rights and the laws for ownership of land. Moreover information centers can provide all the necessary information for women and news updates regarding their right to agricultural land, bank loans, lease and mortgage of land, etc.

One of the primary objectives of the land reforms programme was to allocate land to the landless including women. Various organizations at the ground level can identify and enlist landless families. This may help in maintaining records and further help in redistribution of land among
women. These organizations may play an important role in allotment of 
pattas and by bringing women into the mainstream of land reforms. Also 
the land reforms must modify the rules and regulations according to the 
gender needs.