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# **INVISIBLE FARMERS: WOMEN'S STRUGGLE FOR LAND, RESOURCES, AND LEGAL RECOGNITION IN INDIAN AGRICULTURE**

AUTHORED BY - KUNWAR KUSHAGRA SRIVASTAVA  
& SHREEM THITE

## **Abstract**

*Women are integral to India's agricultural sector, contributing substantially to food production and the economy through labor-intensive activities such as harvesting, sowing, and winnowing. Despite accounting for nearly 42% of the agricultural workforce, women face barriers to land ownership and access to resources critical for farming. Rooted in systemic gender bias, women agricultural workers remain largely unrecognized as "farmers" under government schemes, excluding them from essential entitlements, including credit, pensions, and irrigation resources. This marginalization is exacerbated by social norms and legal structures that favor men as landowners, with patriarchal practices limiting women's inheritance and ownership of land. Although recent policies aim to address these disparities, they fall short due to inadequate implementation, restricted regional application, and low awareness among women farmers regarding their rights. Addressing this imbalance necessitates comprehensive policy reform and enforcement, increased legal protections, and societal shifts toward recognizing women as legitimate farmers.*

## **Introduction**

Women play a crucial role in the agricultural sector in India, contributing significantly to the country's food production and economy. Women across the world are involved in various manual farm activities, including harvesting, sowing, and winnowing, which require significant physical effort. In India, around 80% of farm work is conducted by women, yet they own only 13% of the land<sup>1</sup>, "according to Oxfam and recent statistics from the University of Maryland and the National Council of Applied Economic Research indicate that women make up over

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<sup>1</sup> 'Move over "Sons of the Soil": Why You Need to Know the Female Farmers That Are Revolutionizing Agriculture in India' <<https://www.oxfamindia.org/women-empowerment-india-farmers>> accessed 10 October 2024; Statesman News Service, 'Women of the Soil' (*The Statesman*, 16 July 2019) <<https://www.thestatesman.com/opinion/women-of-the-soil-1502778634.html>> accessed 10 October 2024.

42% of the agricultural labour force in India but possess less than twelve percent of farmland”<sup>2</sup>. The lack of recognition of female agricultural workers by the government is at the root of the problem, leading to their exclusion from various rights and entitlements, such as credit, pensions, and irrigation sources. Consequently, female agricultural laborers, farm widows, and tenant farmers are not acknowledged as farmers, and thus, they are not entitled to the benefits provided to farmers. The India Human Development Survey (2018) reveals that only 2% of agricultural land in India is inherited by female family members compared to 83% inherited by male family members<sup>3</sup>. This results in a significant disparity in the recognition of female farmers and their male counterparts, leading to a lack of representation and participation in decision-making processes related to land and agriculture.

The patriarchal structure of Indian society and the lack of legal rights and representation exacerbate this problem. In recent years, the Indian government has enacted policies and regulations aimed at addressing the barriers faced by women in achieving their land ownership rights and access to resources for farming. However, these policies have not been successful in completely eliminating the obstacles<sup>4</sup>. The policies often lack proper implementation mechanisms and funding, and their implementation is often limited to specific regions or states. The lack of awareness among women farmers regarding their rights and the policies intended to protect them also contributes to the inefficiency of the policies.

Social and cultural norms that favour men as landowners are prevalent in many parts of India. Women are often not recognized as "farmers" under state and central government schemes, as these schemes require land ownership as a prerequisite<sup>5</sup>. This exclusion from government schemes further perpetuates the gender gap in the agriculture sector. Women are often prevented from inheriting land, and even if they inherit land, they may face challenges in retaining it. Women who do not own land may also face difficulties in obtaining credit and resources required for farming.

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<sup>2</sup> ‘Achieving an Equal Future’ (NABARD March 2021) <<https://www.nabard.org/auth/writereaddata/tender/0605214838Womens%20Day-booklet.pdf>> accessed 10 October 2024.

<sup>3</sup> Thamizhachi Thangapandian, ‘Don’t Ignore the Women Farmers’ *The Hindu* (3 January 2021) <<https://www.thehindu.com/opinion/op-ed/dont-ignore-the-women-farmers/article33487392.ece>> accessed 10 October 2024.

<sup>4</sup> ‘Land and Livelihoods: Making Land Rights Real for India’s Rural Poor’ <<https://www.fao.org/3/j2602e/j2602e04.htm>> accessed 11 October 2024.

<sup>5</sup> ‘Home | Department of Agriculture & Farmers Welfare | MoA & FW | Government of India, India’ <<https://agricoop.nic.in/en/FarmersWelDiv#gsc.tab=0>> accessed 11 October 2024.

## Definition of Farmer and Need for Women to have Independent Rights in Land

Agriculture is a significant sector of the Indian economy, which supports a considerable portion of the population. Farmers have a vital role in this sector since they form the foundation of agricultural production in the nation.

The term 'farmer' as defined in the National Policy for Farmers, 2007 and was officially approved by Central Government is *"a person actively engaged in the economic and/or livelihood activity of growing crops and producing other primary agricultural commodities and will include all agricultural operational holders, cultivators, agricultural labourers, sharecroppers, tenants, poultry and livestock rearers, fishers, beekeepers, gardeners, pastoralists, non-corporate planters and planting labourers, as well as persons engaged in various farming related occupations such as sericulture, vermiculture and agro-forestry. The term will also include tribal families / persons engaged in shifting cultivation and in the collection, use and sale of minor and non-timber forest produce."*<sup>6</sup>

Despite this definition, it appears that the government has moved away from it in practice. When asked about government policies regarding farmers and income support, the Minister of Agriculture and Farmers Welfare, Narendra Singh Tomar, did not provide an official definition of a farmer but acknowledged that income support is provided to families who own cultivable land through the PM-KISAN scheme<sup>7</sup>.

As agriculture falls under the jurisdiction of state governments in India, many of them have their own definitions of the term 'farmer'. For instance, in 2004, the government of Andhra Pradesh led by Y.S. Rajasekhara Reddy tried to define the term for the purpose of compensating the families of farmers who had committed suicide. Their definition recognized only those who possessed agricultural land as 'farmers'<sup>8</sup>. This was later corrected by the Government in 2019<sup>9</sup>. In recent years, there has been an observable trend of more women participating in agriculture as men move to cities for employment opportunities. As a result, female family members have

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<sup>6</sup> National Policy for Farmers 2007, 3.2 Definition of Farmer

<sup>7</sup> Priscilla Jebaraj, 'Who Is a Farmer? Government Has No Clear Definition' *The Hindu* (1 December 2019) <<https://www.thehindu.com/sci-tech/agriculture/who-is-a-farmer-government-has-no-clear-definition/article61612154.ece>> accessed 12 October 2024.

<sup>8</sup> 'Women Farmers Who Commit Suicide Ignored by State' (*NDTV.com*) <<https://www.ndtv.com/india-news/women-farmers-who-commit-suicide-ignored-by-state-570892>> accessed 12 October 2024.

<sup>9</sup> G.O. Ms. No. 102, Agriculture & Cooperation (Agri.II) Department <<https://www.apagrisnet.gov.in/GO/2019/14.10.2019-1.PDF>> accessed 12 October 2024.

taken on more responsibility for working in the fields. Currently, around 80% of rural women are employed in agricultural workforce in India, and their contribution to the sector is undoubtedly vital.<sup>10</sup>

According to the 2011 census, 36 million women were categorized as 'cultivators', which means that they worked on a piece of agricultural land, regardless of whether they owned it or not.<sup>11</sup> It's important to note that cultivators are different from farmers, as a person working as an agricultural labourer or worker can be considered a cultivator, but to be classified as a farmer, land ownership is required.

In the vast majority of women in India, about 87%, do not own land, while only 12.7% do.<sup>12</sup> This is due to two main reasons. First, since land is a subject under state jurisdiction, there is no one law that applies to all citizens equally. Instead, it is ruled by people's religious laws, which tend to make it harder for women to inherit land. Second, patriarchal societies that hold deep-rooted biases against women's land ownership cannot be ignored.<sup>13</sup> Consequently, these women are labelled as 'cultivators' rather than 'farmers.' Therefore, most women in agriculture are unable to take advantage of government schemes designed for farmers. They cannot access institutional credit for farming or receive subsidies. These limitations significantly impede women's agricultural productivity.

The definition of 'farmer' used in various government policies and schemes such as subsidies, compensation policies, Kisan Credit Cards, and loans for inputs and storage, requires the ownership of land. As most women lack ownership of land, they do not fit into this definition of 'farmer' and are unable to avail of these schemes.

According to Bina Agarwal, "it is crucial for women to have independent rights to land due to various reasons. Providing women access to economic resources independently of men has

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<sup>10</sup> 'Rural Women: Key to New India's Agrarian Revolution | NITI Aayog' <<https://www.niti.gov.in/rural-women-key-new-indias-agrarian-revolution>> accessed 13 October 2024.

<sup>11</sup> The Pioneer, '75% Women's Participation in Production of Major Crops' (*The Pioneer*) <<https://www.dailypioneer.com/2018/india/75--women---s-participation-in-production-of-major-crops.html>> accessed 13 October 2024.

<sup>12</sup> 'Statistics | Gender and Land Rights Database | Food and Agriculture Organization of the United Nations' <<https://www.fao.org/gender-landrights-database/data-map/statistics/en/>> accessed 13 October 2024.

<sup>13</sup> Harold Glenn Valera and others, 'Women's Land Title Ownership and Empowerment: Evidence from India' (Asian Development Bank 2018) ADB Economics Working Paper Series <<https://www.adb.org/publications/women-land-title-ownership-empowerment>> accessed 13 October 2024.

positive effects, and giving them rights to land can reduce poverty and destitution in poor households.”<sup>14</sup> Women tend to spend almost all of their incomes on the family's basic needs, while men usually spend a significant portion on their personal needs, such as tobacco and liquor. This highlights the specific advantages of granting women rights to land resources.

When women have independent rights to land, it leads to an increase in agricultural production and improves food security for their families. This is because women are more likely to invest in their farms when they have control over them, leading to higher productivity. Furthermore, when women own land, it has a positive impact on the health and education of their children. This is because women tend to invest more in their children's upbringing when they earn more, as compared to men.<sup>15</sup>

The ownership of land by women helps to empower them in the community as decision-makers. This gives them the power to decide on crucial matters like crop selection, sale locations, and the use of income, which boosts their confidence and strengthens their position in society. This increased sense of empowerment can encourage women's participation in governance activities like voting, local politics, and panchayat elections. All these reasons are the broad bases that cover the requirement for women to have their right to land.

### **Barriers Faced by Women Farmers in India**

Women farmers in India face numerous barriers in exercising their right to ownership of land, which affects their ability to participate in agriculture and earn a livelihood. Despite constitutional guarantees of equality and non-discrimination, women farmers face social, cultural, and economic obstacles in owning and accessing land. These barriers are rooted in patriarchal social norms and customs, which have perpetuated gender inequality in land ownership for centuries. The lack of awareness among women about their legal rights, coupled with a lack of implementation and enforcement of laws, further deepens the problem. This chapter will explore some of the various barriers faced by women farmers in India in exercising their right to ownership of land and the possible solutions to address this issue.

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<sup>14</sup> Bina Agarwal, 'Gender and Command over Property: A Critical Gap in Economic Analysis and Policy in South Asia' (1994) 22 World Development 1455, 1461, accessed 13 October 2024.

<sup>15</sup> 'Land Rights as a Pathway to Women's Empowerment | IDR' (*India Development Review*) <<https://idronline.org/article/gender/land-rights-as-a-pathway-to-womens-empowerment/>> accessed 14 October 2024.

### **Social and Cultural Barriers**

Women in India have traditionally faced numerous social and cultural barriers when it comes to land ownership. India has a predominantly patriarchal society, and women are often viewed as inferior to men. Their role is considered primarily limited to the household, and they are not considered capable of managing land or property. The male preference for land ownership has also been perpetuated through religious and cultural practices, leading to discrimination in inheritance. Male children are often given preference over female children in the allocation of land, resulting in a significant disparity in land ownership between men and women.<sup>16</sup>

According to a study conducted by the Food and Agricultural Organisation only 13% of landholders in India are women, and they own less than 2% of the land<sup>17</sup>. This is despite the fact that women contribute significantly to agriculture and the rural economy.<sup>18</sup> The lack of land ownership and control makes women more vulnerable to poverty, hunger, and exploitation.

One of the main challenges is changing patriarchal attitudes and traditions that continue to prevail in many parts of the country. This requires a concerted effort by the government, civil society, and communities to promote gender equality and challenge discriminatory norms. Efforts to educate women about their legal rights and encourage their participation in decision-making processes related to land ownership can also be helpful in challenging gender biases.

### **Lack of Legal Awareness**

Many women farmers in India are unaware of their legal rights related to land ownership, inheritance, and tenancy. This lack of awareness often results in women being unable to access legal remedies to assert their rights, and they may even relinquish their rights without realizing it.<sup>19</sup> Women are often unable to challenge discriminatory practices due to the absence of knowledge about their legal rights and the legal system.

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<sup>16</sup> Riju Mehta, 'Inheritance Rights of Women: How to Protect Them and How Succession Laws Vary' *The Economic Times* (29 July 2019) <<https://economictimes.indiatimes.com/wealth/plan/inheritance-rights-of-women-how-to-protect-them-and-how-succession-laws-vary/articleshow/70407336.cms?from=mdr>> accessed 15 October 2024.

<sup>17</sup> 'Move over "Sons of the Soil": Why You Need to Know the Female Farmers That Are Revolutionizing Agriculture in India' (n 1).

<sup>18</sup> SOFA Team and Cheryl Doss, 'The Role of Women in Agriculture'.

<sup>19</sup> Elizabeth Daley, 'Women's Land Rights and Gender Justice in Land Governance: Pillars in the Promotion and Protection of Women's Human Rights in Rural Areas' (International Land Coalition, January 2013) <<https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/RuralWomen/InternationalLandCoalition.pdf>> accessed 15 October 2024.

The government and civil society organizations have taken various steps to increase legal awareness among women farmers. Legal aid clinics have been set up to provide free legal services to women, and awareness campaigns have been launched to educate women about their legal rights<sup>20</sup>. However, these efforts are often limited in scope and reach.

Efforts to increase legal awareness among women need to be sustained and widespread. Women's groups and organizations can play a significant role in educating women about their rights and the legal system. The government can also support these efforts by providing funding and resources to legal aid clinics and awareness campaigns.

### **Inadequate Legal and Policy Frameworks**

India has several legal and policy frameworks that address women's land rights, but these frameworks are often inadequate in practice. The Hindu Succession Act of 1956 is a prime example of such a framework. The act guarantees equal rights to women in inheritance, but many states have failed to implement it effectively. For instance, only 16% of women in India inherit land under the Hindu Succession Act.<sup>21</sup> This is due to a lack of awareness of the law and social norms that often override legal provisions.

Similarly, the Land Acquisition Act of 2013<sup>22</sup> requires that land be acquired only after obtaining the consent of 80% of affected families, including women. However, this provision is often ignored in practice. The law also provides for fair compensation for land acquired, but in many cases, compensation is inadequate.<sup>23</sup> This has resulted in widespread protests by farmers, including women, against land acquisition by the government for various purposes.

To address these issues, there is a need for better implementation of existing laws and policies, as well as the development of new legal frameworks that address the specific needs and challenges of women farmers in India.

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<sup>20</sup> 'National Commission for Women Launches Legal Services Clinic in Collaboration with DSLSA' <<https://pib.gov.in/pib.gov.in/Pressreleaseshare.aspx?PRID=1810921>> accessed 16 October 2024.

<sup>21</sup> 'India Must Push for Women's Rights in Land Ownership' (*The Indian Express*, 17 August 2021) <<https://indianexpress.com/article/opinion/columns/india-must-push-for-womens-rights-in-land-ownership-7456996/>> accessed 16 October 2024.

<sup>22</sup> The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, No. 30 of 2013.

<sup>23</sup> 'Farmers to Hold Mahapanchayat to Protest Land Acquisition' *The Times of India* (8 October 2022) <<https://timesofindia.indiatimes.com/city/gurgaon/farmers-to-hold-mahapanchayat-to-protest-land-acquisition/articleshow/94715789.cms>> accessed 16 October 2024.

### **Limited Access to Credit and Resources**

Women farmers in India often have limited access to credit and resources, which makes it difficult for them to invest in and improve their agricultural productivity. This limited access is particularly pronounced for women farmers who do not own land or have only limited access to land.

One of the main reasons for this is the lack of collateral security, which is often required to obtain credit. Women farmers often do not own land or have only limited access to it, which makes it difficult for them to provide collateral security. As a result, they are unable to access credit, which hinders their ability to invest in and improve their agricultural productivity.

Another factor that contributes to limited access to credit and resources for women farmers is the gender bias that exists in financial institutions. Many financial institutions in India are still dominated by men, and they often have biased attitudes towards women farmers<sup>24</sup>. This results in women farmers being offered lower loan amounts than men.

To address these issues, there is a need for targeted programs and policies that specifically address the needs of women farmers in India. The government could provide subsidies and other forms of support to women farmers to help them overcome the barriers to accessing credit and resources.

### **Lack of Representation and Participation**

Despite the crucial role played by women in agriculture and food security in India, they remain underrepresented and marginalized in decision-making processes related to land and agriculture. The lack of representation and participation of women in these processes perpetuates their marginalization and denies them access to resources and opportunities, which hinders their productivity and economic empowerment.

Women's lack of representation in land rights organizations and local governance bodies further exacerbates the problem, as these organizations and bodies are instrumental in shaping policies and decisions related to land and agriculture. Women are underrepresented at all levels

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<sup>24</sup> 'Three Challenges for Rural Women amid a Cost-of-Living Crisis' (*UN Women – Headquarters*, 13 October 2022) <<https://www.unwomen.org/en/news-stories/feature-story/2022/10/three-challenges-for-rural-women-amid-a-cost-of-living-crisis>> accessed 16 October 2024.

of governance, from local panchayats to the national parliament. Even though the elected women representatives in panchayats are around 40%<sup>25</sup>, a major portion of these are dominated by *pradhan-pati* culture where the husbands of elected representatives work on their behalf and take important decisions. This lack of representation and participation means that women's voices are often unheard and their needs and interests are not adequately addressed.

Furthermore, the limited access to education and training opportunities for women farmers also contributes to their marginalization and lack of representation. Many women in rural areas are unable to access education due to various socio-economic and cultural barriers. This limits their ability to engage in decision-making processes and to effectively advocate for their needs and interests.

Providing education and training opportunities for women farmers can also go a long way in empowering them to participate in decision-making processes and to improve their agricultural productivity.

### **Effectiveness of Legal and Policy Frameworks in India**

Women farmers in India play a significant role in the country's agricultural sector. According to a report published by the Food and Agricultural Organisation, women constitute nearly 43% of the agricultural workforce in India<sup>26</sup>. However, despite their contribution, women farmers in India face several challenges, including limited access to land and property rights.

To address this issue, the Government of India has introduced various legal and policy frameworks to protect women farmers' land rights. The following paragraphs will discuss these frameworks and their impact on women farmers.

#### **Hindu Succession Act, 1956**

The Hindu Succession Act of 1956 is the primary law that governs inheritance rights for Hindus, Buddhists, Jains, and Sikhs in India, while Muslims and Christians have their own sets of property laws. "Initially, the act provided equal inheritance rights to sons and daughters for property acquired directly by their fathers, but ancestral property could only be inherited by

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<sup>25</sup> 'Representation in Panchayats' <<https://pib.gov.in/pib.gov.in/Pressreleaseshare.aspx?PRID=1658145>> accessed 17 October 2024.

<sup>26</sup> Team and Doss (n 18).

sons. This resulted in gender bias, particularly in rural areas where a substantial amount of property is family-owned.”<sup>27</sup>

To address this discrimination, five Indian states (Kerala, Andhra Pradesh, Tamil Nadu, Maharashtra, and Karnataka) amended the law between the 1970s and 1990s to allow women to inherit ancestral property if they were married at the time of the reform. Unmarried women at the time of the reform were granted claims equal to that of their brothers in ancestral or joint family property, including the right to a share by survivorship.

In 2005, the Hindu Succession Amendment Act changed these rules and granted women equal share in ancestral property. However, there are several drawbacks and challenges to the implementation of The Hindu Succession Act. One of the key challenges is the lack of awareness among women farmers about their rights under the act. Many women farmers are not aware of the law and may not know how to assert their rights to land. This is compounded by social and cultural factors, including traditional patriarchal norms and customs, that may limit women's access to and control over land.

Another challenge is the resistance to change by patriarchal families and communities. In many cases, families may still be unwilling to give daughters equal rights to land, and there may be social pressure on women to give up their land rights in favour of their brothers.

### **The National Policy for Agriculture, 2000**

The National Policy for Agriculture, 2000 recognizes the crucial role played by women in the agricultural sector and aims to address gender disparities in access to resources. The policy aims to ensure that women farmers have access to credit, inputs, and markets, and have equal opportunities for training and extension services. The policy also aims to promote women's participation in decision-making processes in agriculture.<sup>28</sup>

To ensure women's rights in agriculture, the policy emphasizes on the recognition of women's rights to land. Overall, the National Policy for Agriculture, 2000 recognizes the importance of gender equity in agriculture and aims to promote the empowerment of women in the sector. However, there has been ineffective implementation, with many women farmers continuing to face discrimination and barriers to accessing resources and services.

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<sup>27</sup> The Hindu Succession Act, 1956, Act 30 of 1956.

<sup>28</sup> National Policy for Agriculture, 2000.

### **National Policy for Farmers, 2007**

The National Policy for Farmers 2007 recognizes the importance of women farmers in agriculture and aims to address gender disparities in access to resources. The policy outlines several initiatives to improve women's access to resources such as credit, inputs, and markets. One of the key initiatives under the policy is to increase the participation of women in decision-making at various levels of the agricultural sector. This includes increasing the representation of women in agricultural cooperatives, village councils, and other community-based organizations. By increasing the participation of women in decision-making, the policy aims to ensure that their interests are considered and that they have a greater say in how resources are allocated.<sup>29</sup>

The policy also recognizes the need to improve women's access to credit, which is essential for investment in agriculture. To this end, the policy calls for the creation of special credit facilities for women farmers, as well as for the provision of training and capacity-building programs to improve their financial literacy and business skills. In addition, the policy aims to increase women's access to inputs such as seeds, fertilizers, and other agricultural technologies by establishing targeted distribution systems.

Despite these initiatives, the National Policy for Farmers 2007 has faced several challenges in addressing gender disparities in access to resources. While the policy recognizes the need to increase women's participation in decision-making and improve their access to resources, it does not adequately address the broader social and cultural factors that limit women's rights and perpetuate patriarchal norms.

### **Land Acquisition, Rehabilitation and Resettlement Act, 2013**

The Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) is a crucial legislation that governs the acquisition of land in India for public purposes. The Act provides specific provisions that safeguard the rights of women farmers to land and compensation. Section 4<sup>30</sup> of the Act mandates that the Social Impact Assessment (SIA) report, which assesses the impact of land acquisition on local communities, should specifically identify vulnerable groups, including women, and assess the impact on their livelihoods. This helps to ensure that

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<sup>29</sup> National Policy for Farmers 2007, 4.6.2

<sup>30</sup> Supra note 22, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, s 4.

the interests of women farmers are considered before any acquisition takes place.

One of the key provisions of the LARR Act is that consent of 80% of affected families is required for private projects and 70% for public-private partnership projects<sup>31</sup>, before any land acquisition can take place. This provision ensures that women farmers have a say in the land acquisition process, and their voices are heard during the decision-making process. The act also requires that all affected families, including women farmers, be provided with information regarding the purpose, nature, and extent of the proposed acquisition, and the expected displacement and rehabilitation processes.

The Land Acquisition, Rehabilitation and Resettlement Act of 2013 has introduced a progressive measure to secure women farmers' rights to land, such as transferring cash compensation in the joint account of both spouses and treating unmarried women, widows, divorcees, and women deserted by their families as a separate family for entitlements. However, it is crucial to further women's property rights by ensuring that the dwelling units or plots provided to displaced persons are in the joint names of both spouses.

### **National Policy for Women, 2016**

In 2016, the Government of India launched the National Policy for Women to empower women in various sectors, including agriculture, and recognize their significant contribution to food security. This policy will acknowledge women as farmers in agriculture and related sectors, and efforts will be made to support them in securing their rights over resources and providing social protection.

Successful women farmers will also be utilized as trainers and extension workers in the agriculture sector. The policy will ensure the implementation of legal provisions for women's rights to immovable property and address exploitation issues like witch hunting. The policy aims to prioritize women in government land distribution, purchase, and lease schemes to enable them to own and control land through individual or joint land pattas. The registration of land with spouses or solely in women's names will be encouraged, along with incentives like concessions in registration fees and stamp duty for transferring land to women.

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<sup>31</sup> *Ibid*, s 2(2)

### **Pradhan Mantri Fasal Bima Yojana**

Pradhan Mantri Fasal Bima Yojana (PMFBY) is a crop insurance scheme launched in 2016 by the Government of India to provide insurance coverage and financial support to farmers in the event of crop loss due to natural calamities, pests, or diseases. The scheme also recognizes the important role of women farmers in the agricultural sector and has made provisions to ensure their rights.

Under PMFBY, women farmers are eligible for equal insurance coverage as male farmers, and they are encouraged to insure their crops. The scheme mandates that the crop insurance indemnity claims must be disbursed to the bank account of the insured farmer, and the account must be in the joint name of the farmer and their spouse. This ensures that women farmers have equal access to financial resources and that they have a say in the use of the compensation received.

In addition, PMFBY also provides training and capacity-building programs for women farmers to enhance their skills and knowledge about crop insurance and related issues. This helps in empowering women farmers and promoting gender equity in agriculture.

While there have been several policies and laws introduced in India to protect the land rights of women farmers, they have often failed to address the deep-rooted patriarchal attitudes and systemic inequalities that prevent women from accessing and retaining land. Many policies and laws are not implemented effectively due to a lack of resources, political will, and institutional capacity. This has resulted in limited access to support services for women farmers, and limited participation in decision-making processes related to agriculture and rural development.

Many women farmers are not aware of their rights under the law, and may not have the resources or knowledge to access legal support to protect their land rights. Additionally, outreach efforts to inform women farmers about their rights are often limited or ineffective, particularly in remote or marginalized areas. While there are legal protections in place for women's land rights, there is often inadequate monitoring and enforcement of these laws. This means that women may not be able to access legal recourse when their rights are violated, or may face lengthy and expensive legal battles to protect their land rights.

Overall, while there have been positive developments in the legal and policy framework related

to women's land rights in India, there is still a long way to go in ensuring that women farmers have equal access to land and resources.

## **Policy Initiatives in Other Countries Addressing the Rights of Women Farmers**

In this chapter, the selection of countries is based on the percentage share of agriculture in that country's respective nominal GDP. Since in India, agriculture contributes to 17.4% of the GDP<sup>32</sup>, various developing countries having the same proportion are taken preferably from South and South-East Asia for easier cultural comparison.

### **Philippines**

Philippines has a number of policies and laws in place that recognize and protect the rights of women farmers. Such as:

**Magna Carta of Women<sup>33</sup>:** The Magna Carta of Women is a comprehensive law enacted in 2009 that aims to eliminate discrimination against women and promote gender equality in all sectors, including agriculture. The law recognizes women's right to own and inherit land, as well as their right to access credit, inputs, and markets. It mandates the inclusion of women in decision-making processes related to agriculture and rural development, and provides for the creation of mechanisms to ensure that women's concerns are addressed.

**Comprehensive Agrarian Reform Program<sup>34</sup>:** The Comprehensive Agrarian Reform Program (CARP) was implemented in 1988 and aims to promote equitable access to land and support services for farmers. The program provides for the distribution of land to landless farmers, including women, and mandates the provision of support services such as credit, technical assistance, and marketing support.

**Gender and Development (GAD) Focal Point Program<sup>35</sup>:** A policy that mandates the establishment of GAD focal points in government agencies, including those related to agriculture, to ensure that gender perspectives are mainstreamed into policies, programs, and

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<sup>32</sup> 'Agriculture, Forestry, and Fishing, Value Added (% of GDP) - India | Data' <[https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?locations=IN&name\\_desc=true](https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?locations=IN&name_desc=true)> accessed 18 October 2024.

<sup>33</sup> Magna Carta of Women, Republic Act No. 9710.

<sup>34</sup> Comprehensive Agrarian Reform Program 1988, Republic Act No. 6657.

<sup>35</sup> Magna Carta of Women, Republic Act No. 9710, s 36-B.

projects. The policy aims to ensure that the needs and concerns of women farmers are addressed and that they have equal access to resources and services. The GAD focal points are responsible for ensuring that gender-responsive policies and programs are developed and implemented, and for monitoring and evaluating their impact on women.

## Bangladesh

In Bangladesh, there are several government policies and laws that aim to promote the rights of women farmers and ensure their participation in agricultural development. These include:

**Land Reform Policy:** The Land Reform Policy of Bangladesh, adopted in 2001, recognizes women's right to own and inherit land, and aims to promote equitable access to land for all farmers, including women. The policy provides for the distribution of land to landless farmers, including women, and the establishment of landless women's cooperatives to support their access to land. The policy also provides for the establishment of mechanisms to address disputes related to land ownership and inheritance.<sup>36</sup>

**Microcredit Policy<sup>37</sup>:** The Microcredit Regulatory Authority of Bangladesh, established in 2006, regulates microfinance institutions and promotes the provision of microcredit to women farmers and other marginalized groups. The policy provides for the promotion of women's participation in the decision-making processes of microfinance institutions, and the establishment of gender-sensitive monitoring and evaluation mechanisms to ensure that women farmers are benefiting from microcredit services.

**Agriculture Policy:** The Agriculture Policy of Bangladesh, adopted in 2013, recognizes the important role played by women in agriculture and aims to promote gender equality and women's empowerment in the sector. The policy also emphasizes the need to address gender-based violence and discrimination against women in the agricultural sector.

## Indonesia

Indonesia is an archipelagic country in Southeast Asia, where agriculture plays a crucial role in the economy. Women farmers play a significant role in the agriculture sector of Indonesia. Significant laws that address women's land rights in Indonesia are:

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<sup>36</sup> Food Security and Land Governance Factsheet <<https://www.landgovernance.org/wp-content/uploads/2019/09/20160608-Factsheet-Bangladesh.pdf>> accessed 18 October 2024.

<sup>37</sup> Kazi Barkat Ali, 'Impact of Microcredit on Women's Empowerment in Bangladesh: A Case Study on Rangamati Pourashaba, Bangladesh' (2021) 10 Social Change.

**Agrarian Law, 1960<sup>38</sup>:** It is a national asset and should be distributed in a just and equitable manner. The law recognizes women's rights to own and inherit land, and the government is obliged to protect and support these rights. In 2010, the government amended the Agrarian Law to strengthen women's land rights by ensuring equal access to land and resources.

**Acceleration of Agrarian Reform or Program Percepatan Reforma Agraria:** This program aims to provide land tenure security to farmers, particularly women, by distributing idle land to farmers who do not have land ownership. The program also provides training and education to farmers, including women, to improve their productivity and income.<sup>39</sup>

**Village Law 2014<sup>40</sup>:** It empowers village communities to manage their natural resources, including land. The law requires the participation of women in the village decision-making process, ensuring that their voices are heard in matters related to land and resources.

Inspiration can be taken from certain regulations and policies of the aforementioned countries and can be applied in the Indian context too, which would be helpful in securing the right to land and resources useful in farming for rural women. The concept of Gender and Development (GAD) Focal Point System can be borrowed from Philippines which if made in all the Government departments and agencies would end the problem of non-representation of women in decision making processes and will provide a gender perspective in all the policies, projects and programmes of the Central and State Government.

Until structural land reforms and inheritance reforms are concluded which could guarantee ownership title to all the women cultivators, the Microcredit Regulatory Authority could be inspired from Bangladesh that would provide credit facility to the women farmers and cultivators even if they don't own land. This credit facility would help them in buying seeds, fertilizers, pesticides and in other expenditures required to maintain a field. If the women farmers don't have any collateral for gaining credit, joint *pattas* or indemnity bonds and guarantees from husband and other family members could work as collateral for grant of a

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<sup>38</sup> Basic Regulations on Agrarian Principles, Act 5 of 1960.

<sup>39</sup>Indonesia Acceleration Program of Agrarian Reform <<https://documents1.worldbank.org/curated/en/518031528141380048/pdf/Indonesia-Acceleration-Program-of-Agrarian-Reform-and-One-Map-Policy-Implementation-ESMF-Executive-Summary-06012018.pdf>> accessed 19 October 2024.

<sup>40</sup> Village Law in Indonesia, Law 6/2014

Kisan Credit Card which would help in small-scale credits and loan to them.

The idea of just and equitable distribution of land without any discrimination on the basis of sex can be inspired from Indonesia. All these reforms if adapted in Indian policy can push India a step ahead towards achieving just distribution of land to women farmers.

### **Conclusion and Suggestions**

In conclusion, the findings of this research demonstrate the multifaceted nature of the barriers faced by women farmers in India with regard to their land rights. The lack of access to and control over land is one of the significant hurdles faced by women farmers in the country, further compounded by their underrepresentation in decision-making processes related to land and agriculture.

The efficacy of key legal and policy frameworks meant to address these issues is debatable, as our research suggests that the implementation of these frameworks is often inadequate. However, through a comparative analysis of successful initiatives from other countries, our study highlights potential solutions that could be adopted in India to improve the implementation of these frameworks.

The research also shows how limited access to credit and resources impacts women farmers, particularly those without land or with only limited access to it. Addressing this issue is crucial to empowering women farmers and promoting gender equity in the agricultural sector. By implementing policies that prioritize gender equity, enhancing access to credit and resources, and fostering an environment that encourages women's participation and representation in decision-making processes, India can improve the situation of women farmers in the country. In order to ensure women's right to ownership of land, certain mandatory provisions shall be created by the legislatures. Changes in personal law are also required, a policy could be implemented that mandates joint ownership by both the spouses, of agricultural property which is bought after marriage. This would ensure equal rights and responsibilities of the partners, and would help in an integrated development.

The Gender and Development (GAD) Focal Point System from the Philippines can be a model for India to address the problem of the under-representation of women in decision-making processes. By implementing this system in all government departments and agencies, policies,

projects, and programs can be infused with a gender perspective. While waiting for structural land reforms and inheritance reforms, India can also consider adopting the Microcredit Regulatory Authority from Bangladesh, which can provide credit facilities to women farmers and cultivators, even if they don't own land.

This credit facility can help them purchase necessary farming inputs such as seeds, fertilizers, and pesticides, among others. In the absence of collateral, joint pattas or indemnity bonds and guarantees from the husband and other family members can be used as collateral for the grant of a Kisan Credit Card, which can be used for small-scale credits and loans. As concessions are provided to women buyers of land by the government on registration fee and other taxes, similarly, an interest deduction can be provided on loans taken by women farmers. Along with that an increased limit of Credit Card can be given if it is issued in women farmers' name. This would encourage the husband to either transfer the land ownership to wife so that she can use it as a collateral while taking loans on reduced rates which would be beneficial to the family, or would encourage him to sign a bond of indemnity for his wife so that she can get a credit card in her name. Both the actions will further our motive of giving more independence to women farmers.

Furthermore, in order to overcome the obstacle of lack of awareness at grassroot level among people in remote locations, wide network of Block Development Centres and Anganwadi Kendras could be used as training centres for spreading awareness at the bottom most level regarding the right granted to women farmers by the policies of government. At *Tehsil* level, a meeting of all the village headmen could be conducted in order to sensitize them regarding these rights of women and gradually liberalizing the patriarchal norms and customs. These headmen could then be asked to spread the word in their respective *panchayats*.

Indonesia's idea of just and equitable land distribution without any gender-based discrimination can also serve as an inspiration for India to achieve just distribution of land to women farmers. By adopting these reforms, India can take a significant step forward in empowering women farmers and achieving gender equity in agriculture.

In sum, this research reveals the complexity of the challenges faced by women farmers in India and the need for multifaceted solutions. It highlights the need for a gender-sensitive approach to policymaking, which prioritizes the rights and needs of women farmers. By acknowledging

the role of gender in the agricultural sector and developing policies that cater to the specific needs of women farmers, India can foster a more inclusive and equitable agricultural sector. Ultimately, the successful implementation of such policies will lead to improved livelihoods, increased agricultural productivity, and a more sustainable future for all.

