INVISIBLE HANDS IN PEASANTRY: AN ANTHROPOLOGICAL STUDY TO UNDERSTAND THE INTERFACE BETWEEN LAND AND GENDER IN UTTARAKHAND

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The land is one of the most significant assets which determine the social status and economic prosperity in the community. The bond between land and community develops a sense of land possession which is manifested in an emotional way associated with clan, kin and community. Hence land in the discipline of anthropology has enticed an indigenous perception of territoriality and communal ownership. In the tribal community, land is not sold rather it is inherited from one generation to another. The present article talks about land through the lens of gender illustrating the case studies from Rana Tharu in the village Purangarh, Udham Singh Nagar district, Uttarakhand. The relationship between land and gender has been analysed by underscoring the role of gender concerning asset holding and the inheritance pattern of land. The various aspects such as land allocation to women, the female-headed households and challenges faced by women in the access to land are explored in the article.

Keywords: Land and Gender, Inheritance of Land Rights, Land Ownership, the Tharu

Introduction

The relationship of gender with nature and environment is culturally and socially constructed and vary from place to place and from time to time that involves roles, expectations and responsibilities. Most agricultural practices, however, derive from a gendered vision, as Rocheleau (1987) calls it a vision that divides home as women’s place and working on land forms workplace which is men’s domain. Conklin (1957) studied Ifugao of northern Luzon where women are only responsible for agricultural practices such as selecting rice seed and are usually more knowledgeable with respect to different varieties of rice and their distinguishing characteristics than are men. The Convention on Biological Diversity, which was signed at the Rio Earth Summit in June 1992, explicitly recognizes in its preamble the vital role that women play in the conservation and sustainable use of biological diversity and land and affirms the need for the full participation of women at all levels of policy-making and implementation in land and biological diversity conservation. The tarai in Uttarakhand is one of the most productive areas in India with three-

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fourths of its total population dependent on agriculture. The practice on small land holdings with traditional crop varieties has become the basis of agriculture in Uttarakhand for hundreds of years. Since childhood I have seen my grandmother passing seeds to my mother every year to be sown during a festival called harela which is widely celebrated in Uttarakhand. This practice of passing varieties of seeds and offering the first harvest to local deity has made me curious to understand the position of women in relation to land and associated practices. The rituals and ceremonies associated with the natural surroundings establishes an emotional tie between the community and land where the land is not sold rather it is inherited from one generation to another. In the present article author attempts to gaze land through the lens of gender illustrating the case studies of Rana Tharu in Uttarakhand. In Rana Tharu agriculture is based on small lands and women centered. The festivals such as Maghi, Charai are celebrated in the community where seeds are shared among women of same village as well as from neighbouring villages. Tharu women are considered as seed custodians and are aware about it since time immemorial. The relationship between the land and gender has been focused by underscoring the role of gender concerning asset holding and the inheritance pattern of land. The various aspects such as land allocation to women, the female-headed households and challenges faced by women in access to land are also explored in the article.

**Literature review**

Bandyopadhyay (1993) presented a detailed historical review of land from ancient to contemporary. With the advancement of Britishers in the medieval times land was realised as an important source of economy and was termed as khas. Different approaches were taken into consideration by different scholars. Desai (1976) has analysed the pattern and distribution of land using the tangible historical data records and concluded how they are embedded in the land ownership, utilization of scarce resource material and distribution of the productions. Thorner (1976) tried to understand the land by gazing through the lens of economic perspective. He underscored the questions of ownership, control of land by an individual or a community and lastly the use of land by different categories of people based on gender, occupation and socioeconomic status. The different categories which were studied in relation to land and labour in the production process were broadly categorised into malik, kisan and mazdoor. Further going into details the stratification of one group who owns the land but does not participate in the process of production or cultivation of land but gets the major share of the produce and the second category of the people are who do not own any land but works in another land and gets minor share of the production are observed in the ground. In many
countries women play a crucial part in the agrarian sector where males are into paid economic activities and women are left back at home to work on the family farm (Razavi, 2003). Connell study (as cited in Razavi, 2004) on aspects of sexuality in the context of land shows the importance of sexuality within gender relations and the multifaceted, complex nature of women’s oppression. Jacobs (2013) explores the links between issues relate to sexuality and role of gender in controlling agricultural land. The gendered land rights were focussed on various domain, mainly concentrating on agrarian and land reforms. The redistribution of land in the study under household model in Chile and Nicaragua firmly shows the prevalence of male household and agricultural control by male members. One of the reasons in disparity of land holdings are non inclusion of women. Further an example of sub Saharan Africa is illustrated by Jacob (2013) to discuss on women’s control over agriculture and products. The gender perspective not only talks about identity but it also highlights issues of labour and access to crucial resources. Agarwal’s work (as cited in Velayudhan, 2009) on existing variations in inheritance of land in relation to agricultural land in the tenurial enactments of different states shows the inheritance pattern of land varies between countries and further on the basis of region , religion and community. According to Agarwal women are generally denied of ownership and control over land or only some women have direct access. The change in inheritance of rights of land is one of the important concerns in maintaining the equality between both men and women. The negative connotations should be removed when a women ask for her share in the parental property. Agarwal (1994) argues for independent rights to be given to women for their empowerment. The one of the important factors affecting the women’s economy is gender gap in inheritance of property. Lack of effective property rights not only subordinate women economically but also socially and politically. The different forms of subjugation faced by women are excluding women from gaining rights in land tenure. For example quitrent title are only inherited through male line. She demonstrated the importance of independent land rights for women which she defines as “claims that are legally and socially recognized and enforceable by an external and legitimized authority” (Agarwal, 1994, p.19). She has attempted various groundbreaking questions such as characterisation of gender relations with respect to the household, market and the state. She has clearly pointed how a woman’s status is dependent on her husband’s and father’s class status. Rao (2011) cites South Asian studies indicating that women own and operate 15 % of land in the region (Rao, 2011, p.4).

In Pakistan, under the government of Pervez Musharraf’s rental contracts has substituted battai² which has mainly impacted the
informal economy among the women. Jacobs (2013) focused on the realm such as agrarian and land reforms by illustrating an example of Vietnam. Vietnam has been successful in lessening the economic weakness by the inclusion of women in the farms and socialising women labour in the agrarian land. The author argues that gender perspective not only talks about identity but it also highlights issues of labour and access to crucial resources. The customary practices in Sri Lanka give rights to women in landed property. The various laws such as kandyanlaw, thesawalamai that is Tamil customary law and muslim law has given legal rights to women. Velayudhan (2009) surveyed among women landowners showed that 44% of women had inherited property, 8% received it as gift, 20% purchased it and 28% acquired it by other means including encroachment. In India, land ownership by women is not more than 2% (Agarwal, 1994). According to the study of Sharma (1980) in North India, the land is perceived as a shared resource by the women but the contribution in such joint resources leads to informal work negotiation. Thus women are generally denied ownership and control of the land and are largely considered as agricultural labour, landless labour, small or poor peasant and middle peasants (Deshpande, 2008). The irony is well described by Alaka and Chetna (1987) in their study in Bihar which shows how money is wasted in liquor or fritter by the males and females managing agriculture fields are deprived of land titles. Whereas Kamei (2011) highlights the customary practices in relation to the inheritance of land among the Kabui Naga women in Manipur. Gender inequality is seen as an inherent feature which has greatly impacted on women’s economic and political status. In recent times, it is being observed that women in Imphal are no more passive and are trying to resist the customary laws for their welfare. The change in inheritance rights of land is one of the important concerns to maintain equality between both men and women.

**Land laws in relation to gender**

Gender discrimination in the ownership of immovable property such as land is seen all over the world (Agarwal, 1994 cited in Pathak, 2017). The cultural and customary practices in the society resulting in the deprivation of women legal rights. In the Indian Constitution agriculture and land related subjects are put under the state list whereas the subjects such as property and succession are placed under the concurrent list where state as well as centre has a role to play. The agricultural labors, tenants, land ceilings, allocation of the surplus amount of land and distribution of the pattas are taken care by the state government. In some states, the property laws are further based on local practices and customary laws of a community. Therefore, a common unified law is missing for women in India. After independence
of India the different approaches have been followed in planning keeping a gender aspect. The shift in the approaches were seen from welfare to development and to empowerment in the sixth and ninth five year plan respectively. The ninth five year plan mainly focused on gender and land rights and shows the importance of land ownership by marginalised and poor women in the country. The eleventh and twelfth five year plan focused too but the real implementation of these agendas are not profoundly seen in the ground. Agarwal (1994) clearly says how the question of ownership and control of land can be useful to balance the unequal relationship between men and women. Sen (1990) (as cited in Pathak, 2017) has observed that male has always been given an importance in the landed property in India inheritance system. Moser (1998) as cited in Pathak, 2017) shows how the assets ownership and vulnerability of people is related in women. When the women are well off with assets their vulnerability decreases whereas when they have no assets their vulnerability increases. In Uttarakhand, 64% of women are cultivators and 8.84% are agricultural labour whereas only 20.82% of men are cultivators and 11.23% are agricultural labourers. The data shows the large contribution of women in the informal economy in Uttarakhand (Census 2011 as cited in Doval, 2015). The state of Uttarakhand as such has no specific laws and act in relation to landed property, tenancy rights related to agricultural land. Even today they all are governed under the Uttar Pradesh Zamindari Abolition and Land Reform Act of 1950. The general practice of inheritance of land in Uttarakhand is mainly through the male line descents. The section 171 of the act says that the tenurial law of Uttar Pradesh (Uttarakhand) applies to all religious communities in the state. The order of succession of land is given in the section 169, when the bhumidhar or the owner of land dies the land shall pass according to the succession order given in the section. The very first right will be of a male line descendants in the male line of descent over the equal share in the land. Secondly, to the widow and widowed mother (excluding step mother) and the widow of a predeceased male lineal descendant in the male line descent. These rights governed by Uttar Pradesh Zamindari and Land Reform Act, 1950 shows a strong preference for agnatic males. The land is transferred to women only in the absence of a male heir, whereas daughters and sisters are recognised very low in the order.. After a woman’s death, the holding does not go to her female heirs but to the male heir of the last male landowner. The woman can lose her husband’s land if she remarries or fails to cultivate it for a year or two. In 1960 Kumaon and Uttarakhand Zamindari Abolition and Land Reform Act (KUZALR) was enacted. The main target of the act was to give the acquisitions rights, title in the Kumaon as well as Garhwal region. But the act had no section acknowledging the gender perspective in landed property rights. The jurisdiction in relation to
property rights in the region are also based on Hindu Succession Act (HSA) 1956 and Hindu Succession Amendment Act (HSAA) 2005. After the enactment of HSAA 2005, issues which are related to agricultural land are considered same as the other property and is applicable in Uttarakhand. The Hindu Succession Amendment Act 2005 has tried to waive off such discriminatory laws in the agricultural landholding, but the implementation is poor and the practice is still not prevalent in the State. The various movements gave voice to women to fight for their land rights. Some of them are: In 1989 the Mahila Mazdoor Evam Laghu Kisan Morcha was formed with the support of disha (Saharanpur, UP). In June 2006, a campaign called Aaroh was launched, along with other organisations in 10 districts of Uttar Pradesh for recognition of women as farmers. In January 2007, the Mahila Kisan Hit Adhikar Yatra or procession covered five gram panchayats. With time these movements lost their momentum and could not stand for long.

Objectives

The study mainly aims to understand the interface between land and gender in the village Purangarh in Udham Singh Nagar district of Uttarakhand. The main objectives of the study are:

- To understand the role of gender concerning asset holding.
- To explore the inheritance pattern of land and aspects such as land allocation to women.
- To identify the female-headed households and the challenges faced by women in access to land in the village.

Methodology

The study is primarily based on primary as well as secondary data. It also includes the analysis of government laws, policies and reports in relation to inheritance of land in Uttarakhand. The village selected to conduct the fieldwork was Purangarh in the Udham Singh Nagar district of Uttarakhand. The village is around 1 hour from the district headquarters and is located in between Nanakmatta and Sitarganj Tehsil. The average land holding of an individual household in the village is around 4-5 bigga. The geographical topography is marshy and popularly known as terai which has a fertile loamy soil suitable for paddy, wheat and vegetables cultivation. The specific village was chosen because the village has mixed population and located near to the industrial zone State Industrial Development Corporation of Uttarakhand Ltd. (SIDCUL), the land prices are soaring and also the male members from every households are migrating in large number for employment opportunities in the factories. Patwari who locally
manages the land records of the village and the headman Sabha Pati were interviewed to know the basic profile of the village. Around 15 Women were interviewed, some individually and some in group. The interviews were semi-structured and the discussion centred on domains such as land registration, inheritance of land, land ownership in case of marriage, land and property disposal in conflicts between husband and wife, reasons for selling land, who makes the decision for selling land and how the updation in the khatakhatoni process etc were explored. The life histories and case studies of members from female headed household were also taken into an account.

Findings and analysis

Role of Gender concerning asset holding in the Tharu

Land is considered as an important asset among the Tharus which supports the existence of the community and satisfy the economic and social needs of the people. They are economically dependent on land for the agricultural production. The structure and pattern of land holdings are fundamentally linked to the livelihood and environment. In the past there was abundant land, the clearing of forests on these lands for farming and the agriculture was really difficult to be organised and managed by a single family. Due to the environmental and geographic situations it was difficult for the natives to find a labour to work in their farms. Therefore, the large farms were cultivated by dividing the labour among their kins and relatives and cohabiting together. Many generations stayed under the same roof and a joint household gave them the social security by living together and operating the land together. The entrance of their houses had a place of deity called than. It was also observed that each farm and agricultural land has also a worship place or than where rituals are carried out either during the sowing season or after harvesting in the form of prayers and wish for the better yield in an upcoming seasons. The entrance of the houses are followed by huge corridors which are locally known as aagan which further bifurcates into many rooms. The huge houses with long corridors have around 7-8 rooms in a row, each room is allotted to a single family and a common kitchen near to the house is shared by all the members of the family. The kitchen has no link with any of the rooms. The cohabitation of family members not only fulfils labour needs in the kitchen and farm but also ensures mutual security and support to each and every household member. It is seen that food to male members is served outside the kitchen whereas the women eats inside the kitchen which shows the authority of women over kitchen. The ownership of the land in the village is seen in two forms. First is, when the person or a household has an authority on the land
and the person is titled to the land whereas the second is, when the person does not have an authority but have a right to use the land. The person owning or having an authority on the land is more likely to invest in the agricultural production over those not entitled to. The land size is used as a symbol of wealth status in the village. The family who own large farms are given more respect in the society and play an important role in the decision making in the village. The owning of land among the Tharu also reflects the relation between household and kinship. The operation in land and household activities are based on the social relations. For an example, during the sowing and harvesting of paddy, kins come together as a social cohesion to work in a farm. Almost every household in the village has a male head, responsible for all the decision to be taken. In the village, only male heir is given a right to inherit the land and the position of women are always subordinate to their men in the household. As the male head ages the younger male members take up the responsibilities and look after the elder one. The identity of each and every individual in the practice of such household depends mainly on the head of the household also the amount of land owned by the household. There are so many families in the village which are still living together and have never undergone household partition. In the patrilineal household structure of the Tharu, only males could inherit property. This particular household structure also influences the land inheritance system. Male members are given land whereas the share of female is given in the form of money during the time of marriages. The family considers the son more important whereas women continue to give birth untill the child is a boy.

The female-headed households

The women in the village have no role to play in the inheritance of land. They have no say in the buying and selling of any land. In case of spouse’s death, the land belongs to the widow(er) but in most of the cases it was seen that Husband’s brother tries to bully and takes away the share as the land records or khatakhatoni of the recent cases are not yet updated by the Patwari. Pushpa Devi, age around 85 years lives in the village with her granddaughter. Her husband died when she was 24 years old and was left with two girl child. She faced many hardships throughout her life as most of her land was taken away by her brother-in-law irrespective of the laws related to land rights mentioned by the state for widows in the state. The Zamindari Abolition and Land Reform of 1950 states that when a male landowner dies the right to inherit the land goes to his son. In the absence of a male heir, the deceased wife will inherit the land whereas the married daughters are completely excluded from the inheritance rights. But certain
changes have been made such as the Hindu Succession Amendment Act 2005, now the widow, as well as deceased daughters, can have inheritance rights in the property. But most of villagers are not yet acknowledged to these updated legal rights to claim for their rights. Therefore, elder members of the village settle such disputes on the basis of customary laws. The dispute was settled between her and her in laws by giving her a few biswa of land instead of 30 bigha which was owned by her husband. Today she is managing her livelihood on a very small piece of land and every year she sells portion of her land to survive and to meet her basic daily needs.

*Challenges and threat faced by women in access to her husband’s land*

Bijaya Devi who is 34 years old lives in the village with her husband, three children and mother in law. Her husband is an alcoholic and spends most of the income from farming in liquor and gamble. To support her family and for an extra income she works as a wage labourer in other farms and through her income she meets the household expenses and school fee of her children. After working so hard and supporting the family she is still facing the tyranny of violence every day. Her husband recently sold around 20 biswa of land without telling her to pay back the credits taken from the local landlords. Her husband has borrowed money for liquor from almost every house in the village. In order to pay back the borrowed money most of her household assets are also kept as collateral. On asking her to claim on the property and update the land in her name, she replied that the land is in husband’s name and I don’t want to go the court. If I do so not only my husband but my mother in law will disown me that I have ruined the image of her family in public. On asking further she said in grief that even my parents won’t accept or allow me to come back. So I have to live with this accepting it as my luck. While discussing with sabhapatti about the land inheritance rights, he told that women have no role to play, our samaj follows patrilineal system where male are considered the legit owner of the land for the protection and continuity of a decent group.

**Discussion**

In the surveyed village of Purangarh in Uttarakhand it was observed that the land size is used as a symbol of wealth status and reflects the relation between household and kinship. The cohabitation of family members under the male head not only fulfills labour needs in the kitchen and farm but also ensures mutual security and support to each and every household member. The ownership of the land in the
village is seen in two forms. The first is when the person or a household has an authority on the land and the person is titled to the land whereas the second is when the person does not have an authority but have a right to use the land which comprises mainly the females of the households. It is clear that the males have significant roles to the access as well as inherit the land. The concept of long houses with the male head authority over the household and the decision making in any matter subjugated the women’s voices which are mainly unaltered to claim for their rights. An interesting finding was that the partition of the property do not take place unless all the sons are married and demanding for their share. As observed in the above case studies how a women’s status is dependent either on their father’s or husband’s position, the economic position of women is vicarious and resonates with her marital status. When she marries in a rich family her position and status upgrades whereas divorce and widowhood can make her subjugated and bullied by male members in the household. Women from rich families have higher respect and status when compared to the landless strata of women. When the marriage dissolves due to the death of the husband or divorce, the women are overcome by her in-laws. In the cases of divorce, she loses her rights at her husband’s household and land, and as a widow, she has to rely on her sons. In case the women have no offspring, she’s given no rights to use her deceased husband’s land. The two major problems faced by women are her disadvantaged position in the regulation and management of the land. Even during selling of land her consent is not taken in the family. The second problem is when she has no support and financial security during the conflict between husband and wife. During divorce neither she gets her share in the husband’s property nor accepted by her parents family. It was also observed how the land is becoming a limited resource and change in economy in the nearby region of Sitarganj has enticed migrants to settle in by acquiring tribal land. Hence, the changes in the nature of land from free resource to a valuable tangible asset led to the acquisition and purchase of land by other communities in a lesser price when the Tharu member was in debt or in a trap of malpractices of liquor and gambling. The problems of land alienation and indebtedness is rising at an alarming rate in the village and in the various illegal ways land is transacted from non-tribals to tribals in the form of lease, marital alliance with a tribal lady and transfer without any records.

Conclusion

The importance of women’s contribution, participation and decision making in land associated practices are expanding and enriching due to the migration of male members from the village. Hence, most of the
farm activities are done and taken care of by women when males migrate for work. Therefore there is a need to understand the interface between land and gender as well as the laws and rights of women in relation to land in the village Purangarh. Despite of the laws and rights mentioned by state government of Uttarakhand, the status of women is still dependent either on their father’s or husband’s position and they are not aware of their rights in the property. Therefore, their economic position is vicarious and resonates with their marital status. There is an alarming need for a gender-focused approach to meet the changes required for the inheritance of land in Uttarakhand and empower the women in decision making. Landowning and formal titles can strengthen them and reduce their destitution, make them financially independent, give them food security and would increase their efficiency in the farm. Gradually above all factors would give her equality and make her empowered within and outside the households. Taking an account of India the customary as well as tenurial laws has gender aspect missing and there is no unified and common law. The need of the hour is to renew the government programmes on land which are mostly constructed by giving powers to male heads of the household which further takes away the decision making of females. The policymakers must strike a balance on the ground to support women’s efforts in the access to the land and valuations of policies with efficient administration to secure rights and opportunities to women in the rural economy.

Endnotes

1 Khas is the land cultivated by zamindar in the medieval times. The fertility of land was seen in terms of irrigated and unirrigated land.
2 Battai is a share of production which is received by an individual who does not own his own land but cultivates on others large chunk of land.
3 Pattas are the official documents which states the land title and on what terms and conditions land is given to the owner.
4 Aaroh is a collective campaign for demanding justice and asserting rights for women farmers in the tarai. The campaign is supported by the regional organisation called Disha and is coordinated by an organisation called Gorakhpur Environmental Action Group and Oxfam Trust.
5 KhataKhatoni is the land records where the details such as the name of the owner and measurement of the field are mentioned.
6 Biswa is a unit of land which is widely used for measurement in Uttar Pradesh and Uttarakhand. Biswa is a small unit of measurement. 1 Bigha = 20 Biswa.

REFERENCES
