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Empirische Felder

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‘No woman’s land’: A study of women’s land rights in context of neoliberal dispossession and gender relations in India

Zusammenfassung

„No Woman’s Land“: Eine Untersuchung der Landrechte von Frauen im Kontext von neoliberaler Enteignung und Geschlechterbeziehungen in Indien

In Anbetracht des komplexen Geflechts aus soziokulturellen Faktoren, intersektionaler Merkmale von Geschlechtsidentität und aktueller Entwicklungen eines Mangels an Landressourcen, des Anstiegs alternativer Erwerbsarbeit und der Feminisierung der Landwirtschaft untersucht dieser Beitrag, ob Landrechte ein Allheilmittel für die Eigenständigkeit von Frauen sein können. Grund und Boden können Frauen zu mehr Selbstbestimmung verhelfen, wenngleich die patriarchale indische Gesellschaft das Recht von Frauen auf Eigentum einschränkt. Frauen in Indien bilden keine homogene Kategorie. Vielmehr werden sie durch intersektionale Identitäten hinsichtlich Kaste, Klasse, ethnische Zugehörigkeit, Lebensphasen und Subjektivität in Bezug auf Landforderungen definiert. Angesichts der Agrarkrise, der eingeschränkten sozialen Akzeptanz der Landansprüche von Frauen und weiterer Faktoren wird ein differenzierterer Ansatz für Landrechtsansprüche von Frauen vorgeschlagen. Im Rahmen der Untersuchungen wurden u. a. verschiedene feministische und intersektionale Debatten über Landrechte in Indien sowie Regierungsberichte, Rechtsurteile und religiöse Texte analysiert.

Schlüsselwörter

Traditionelle Geschlechternormen, Intersektionalität, Indien, Landrechte, Neoliberale Enteignung, Frauen

Summary

Given the complex web of socio-cultural factors, intersectional features of gender identity and the recent trajectories of a lack of land resources, the rise of alternative gainful employment, and a feminization of agriculture, this paper investigates whether land rights are the ultimate panacea for women’s autonomy. Land can be a source of women’s empowerment albeit the patriarchal Indian society restricts women’s right to property. Women in India are not a homogenous category. They are defined by their intersectional identities of caste, class, ethnicity, stages in their life course and subjectivities regarding demands for land. A more nuanced approach to women’s land rights is proposed in view of the agrarian crisis, restricted social validity of women’s land claims and other factors. Research has been conducted including an analysis of various feminist and intersectional debates concerning land rights in India, government reports, legal judgements, and religious text, among others.

Keywords

gender norms, intersectionality, India, land rights, neoliberal dispossession, women



1 Navigating land rights in the context of dispossession and traditional gender norms in contemporary India

Acknowledging the importance of land in people's lives and sustainable economic development, land is included under eight targets and twelve indicators of the UN Sustainable Development Goals (SDG) 2030 (World Bank 2023a). While everyone is somehow linked to agriculture, billions depend on it for their livelihood. This is particularly true for developing countries, where agriculture remains an important sector.

Despite increased wealth over the decades, the Indian economy remains primarily agricultural, where more than 40 percent of the country's workforce finds its livelihood, although wages remain subpar (Sen/Drèze 2013). Land is a crucial resource for the rural economy. Despite its monetary value, land is not merely a commodity for people, especially in the rural areas. According to Nikita Sud (2021), land is not only a critical resource but an entity of socio-cultural connections.

India stands at a crucial juncture in its development journey. Although the idea of development has come under intense scrutiny due to its colonial roots and Eurocentric nature, that economic growth is required by post-colonial nations is not often outrightly rejected. However, the notion of development and its means and objectives, particularly pursued under neoliberal regime, are being increasingly questioned, such as, development of what – economy or human (Sen 1999) –, how, at what cost, and development for whom. According to the World Bank (2023b), India is one of the fastest growing economies in the world. In its developmental process, land has been a burning issue since the country's independence in 1947. From the introduction of land reforms in the subsequent decades aimed at redistributing land for socio-economic purposes to removing the right to property from the list of fundamental rights in 1978, land has remained a vexed issue. Moreover, the state-led development required land for multiple purposes, land which is majorly owned privately either legally, customarily or used as a common property resource. Referring to land dispossession as 'land grabbing', Levien (2013, 2017) demonstrates how land dispossession has changed in quantum and character. He argues that while the newly formed Indian state dispossessed people for creating public sector infrastructure like dams, mines, and industries, referred to as development-induced-displacement (Fernandes 2008), the market-led development model adopted in the 1990s resulted in state-facilitated dispossession to accelerate private industry, like mining, urban real estate, or creation of export-oriented Special Economic Zones (SEZs).¹ Levien (2017) notes that land dispossession has not only changed in nature, but the incidences of land grabbing have increased substantially under the neoliberal regime. Sud argues that the "multifaceted state is indispensable to India's liberalizing landscape" (Sud 2009: 645).

The neoliberal turn in the economic paradigm led to millions of people, many of them marginalised, being displaced from their lands. While the gains from the neoliberal growth model remain disputed (Ahluwalia 2021; Ghosh 2021), there have been long-standing consequences for people displaced from their lands, primarily from agricultural land. Some of the negative fallouts are forced relocation, loss of traditional livelihood, mainly agriculture and allied activities, little to no compensation, limited

1 As of 31 December 2023, out of 376 SEZs, 278 are operational in India (SEZ India 2024).

alternative employment, loss of cultural identity, food insecurity and violence (Cernea 1997; Jaysawal/Saha 2018). In many instances, the involuntary dispossession has turned explosive with widespread agrarian uprisings or ‘land wars’ (Levien 2013).

Women are rarely included in the decision-making process regarding displacement and issues related to resettlement as government agencies treat males as head of the household. Further, women’s bargaining power inside the household is compromised without ownership rights over land. Any kind of compensation, whether in the form of land, money, or job, is allocated in the name of the male household head, as was done in the case of Tehri Dam in Uttarakhand (Asthana 2012). Levien (2017) argues that such discriminatory practices perpetuate women’s lack of rights, and where women had land rights, they might be reversed. Another specific loss to women in a scenario of dispossession is the loss of common land, which is critical for their economic activities and serves as a space for building solidarity. There are further class and caste² variations in labour force patterns post-displacement.

The consequences of land dispossession are not uniform for those affected. There are gendered implications of land dispossession and there is heterogeneity in the experiences of women based on their socio-economic position (Behrman et al. 2012; Bisht 2009; Doss 2014; Mehta 2009; Modi 2004). While upper-caste women face domestic confinement and perform housewife roles, poor women from the lower castes are forced to take up poorly paid wage work (Dewan 2008). Land dispossession “magnified existing class and caste inequalities, it also intersected in deleterious ways with a starkly patriarchal agrarian order” Levien (2017: 18). De (2015) argues that the Adivasi/Indigenous people, comprising eight percent of the population, are among the most vulnerable sections of society with abysmally low levels of literacy, lack of resources and other socio-economic gaps, face disproportionate share of development dispossession, particularly women who play a key part in forest economy.

Women are at a disadvantage not just in the backdrop of neoliberal dispossession, but also in the context of the recent trend of a feminisation of agriculture, a trend that acquired the label *feminization* of Indian agriculture (Pattnaik et al. 2018). Ironically, the increasing dependence of agriculture on female labour does not correspond to their empowerment (Kelkar/Yunxian 2007). At present, women engaged in the farm sector earn meagre wages. They are not decision-makers pertaining to land use, cultivation patterns or investments. Inequitable access to land translates into disproportionate availability of subsidies, credit, and avenues for skill upgradation for women. The feminization of Indian agriculture can be attributed to poverty since women are compelled to take recourse to farming as agricultural labourers to augment their family income. Thus, it can be characterised as the feminization of agrarian distress and as the feminization of poverty since women’s invaluable contribution is under-recognized.

Juxtaposing women’s active involvement in agriculture with land ownership further reveals the extent of their marginalisation. Globally, the share of women landowners is less than 15 %, as per Gender and Land Rights Database of the FAO of the United Na-

2 As per the caste system, Hindus (followers of Hinduism, the predominant religion in the country) are divided into four social categories (in the top-to-bottom hierarchy): Brahmins (the priestly class), Kshatriyas (warriors), Vaishyas (merchant and traders), and Shudras (labourers). Dalits are outside this four-fold classification, occupying the lowest position, performing society’s dirty work (e.g., sweepers, tanners, toilet cleaners).

tions (2018). In India, out of the massive workforce in the agriculture sector, 63 % are women, according to the latest Periodic Labour Force Survey (PLFS) of India, 2021–2022 (Livemint 2023). While 73 % of rural women are agricultural workers, only 14 % constitute landholders as per Agricultural Census (2015–2016) and own barely 11 % of the rural agrarian land (Agarwal/Anthwal/Mahesh 2021; Jain et al. 2023). According to the survey *Global Women in Agriculture*, covering 17 countries, 78 % of respondents from India expressed that gender discrimination is widespread in agriculture (Corteva Agriscience 2018). In a context marked by neoliberal policies that have led to dispossession and a highly skewed distribution of agricultural land, with the top ten percent of landowners owning 40 % of the land and over one-third of households being landless, as reported by Bauluz et al. (2020), and amidst a growing global land squeeze (IPES-Food 2024), women's struggle for land rights is an uphill task.

This paper examines the status and evolution of women's land rights in India in the backdrop of neoliberal displacement and patriarchy. It begins by examining the contours of the legal and legal-historical framework of women's land rights. Subsequently, it delves into the dynamics between land rights, women's empowerment, and barriers to its realisation. Conclusively, a gendered examination of land rights in view of intersectional identities of women, their subject positions and subjectivities towards land ownership is attempted.

2 Tracing the legal terrain: A historical and contemporary analysis of women's land rights

Enforced in 1950, the Constitution of India guaranteed its citizens fundamental rights, including the right to property, regardless of caste, class, and gender. Presently, multiple laws exist at the federal and state levels. The laws have overlapping provisions; for instance, inheritance is a concurrent subject, and sometimes, there are conflicting provisions. While evidently there are various laws and policies governing land rights, the two most important laws influencing women's land rights are (i) The Hindu Succession (Amendment) Act (2005), which provides daughters equal rights in parental property (about 80 percent of farmland is passed down via inheritance), and (ii) The Forest Rights Act 2006. This Act pertains to the land rights of people living in forest areas, many of whom are tribals or *Adivasi*. As per this Act's provisions, women can become landowners individually and with the community. It is to be noted that the term *tribe* was employed by the British in India to refer to numerous communities which did not fall under the description of caste or Hindu. It was used to denote groups of people with distinctive features in terms of scale of population, language, culture, their ecological life space, and modes of living, however, mostly, understood as educationally and culturally underdeveloped. Post-independence the term *scheduled tribe* has been used to denote such communities by the Indian Constitution. However, words like *Adivasi*, *Vanvasi* etc. are employed to refer to them in the Hindi language (Munshi 2012).³

3 The term *Adivasi*, *Vanvasi*, meaning indigenous people is used in the article as an umbrella term referring to the entire population of such people in the Indian context. However, the term *tribe* is used to connote specific tribes such as Munda, Oraon, Santhal and Ho, within the broader *Adivasi*

The personal laws of different religions determine the inheritance and property rights of women. Hindus, Sikhs, Jains and Buddhists, covering more than 80 percent of the Indian population, are governed by the Hindu Succession (Amendment) Act 2005. Christians and the Zoroastrians come under the Indian Succession Act 1925. Whereas Muslims in India follow the Muslim Personal Law (*Shariat*) Application Act 1937, and different tribes in India come under the purview of their distinct customary laws in matters of inheritance and right to property.

Except for matrilineal traditions in north-eastern and south-west India and Adivasi practices in the country, women have largely been deprived of traditional land rights in India. The right of inheritance of Hindu women over property has been constricted since olden times. Women were deprived of their agency, and their activities were regulated by the male members of their families, owing to the patriarchal character of Indian society. Men are considered to be the carriers of family genealogy and the rightful heirs of ancestral property. Thus, property was protected by keeping it in the custody of men.

The male-dominated Indian society granted *stridhan*, i.e., wealth which women received in the form of wedding gifts. *Stridhan* could only be used by a woman as a social security net to fulfil her needs in the absence of her husband and also to meet the requirements of her son and daughter-in-law (Shamasastri 1951: 219). Ambedkar, in his work, *The Rise and Fall of Hindu Women*, shed light on women being accorded a status equivalent to Shudras, the lowest caste in the hierarchical social order of Hindus. These two disadvantaged social groups were not entitled to own property, gain access to education.

Over time the limitations on women's property rights have become less stringent and the current laws regulating these rights are much more egalitarian. The Hindu Code Bill aimed at doing away with gender disparity and conferring property rights to women. It put forward the argument that men and women should be granted equal rights to lay the foundation of an egalitarian and democratic social order. The Hindu Succession (Amendment Act) 2005 was able to accomplish the goal of largely doing away with gender bias in the matter of property inheritance. After the death of her husband, a woman would act as the custodian of his property but would not become its owner (Ambedkar 2014: 313ff.).

The discourse on women's property rights in India can be traced back to the British colonial era when the Hindu women's right to Property Act, 1937 was passed, with the aim of conferring upon them, after the demise of their husbands, the right to gain a part in their husbands' property and to provide for the division of their ancestral assets. This was an important beginning in the struggle for securing women's right to property (Banning 1952: 174). Despite being significant, this law did not achieve much since on their passing away, the property would be acquired by their spouses' successors (Sinha 2007: 51). Thereafter, the British government constituted the B. N. Rau Committee in 1941 to investigate the right to property for women in India. The committee formulated two bills, the Hindu Marriage Bill and the Intestate Succession Bill. The attempt was resurrected in 1944, when the Hindu Marriage Bill and the Intes-

population. The term *scheduled tribe* was incorporated in the Indian Constitution to refer to the *Adivasis* in a legal/policy context. Here, irrespective of the critical discussion surrounding the term *tribe*, due to its colonial origin, it is used to denote specific tribes within the larger group of *Adivasis*, the latter being a common name for all tribes in India.

tate Succession Bill were recast into a draft code (Ray 1952: 273f.), the Hindu Code Bill (Som 2008), which was presented before Parliament in 1946, however, it could not go very far in its legislative journey and was re-presented before the Constituent Assembly by Dr. B. R. Ambedkar in April 1947 (Banningan 1952: 174). In this landmark bill, Ambedkar brought daughters and widows at par with the sons in terms of their right to inherit property (Ambedkar 2014: 280). In addition, the Hindu Code Bill led to equality between sons and daughters regarding their mother's property. It was also laid down that whatever property is obtained by a woman would be her absolute property (Ambedkar 2014: 150). It was enacted in the form of separate laws viz. the Hindu Marriage Act 1955, the Hindu Succession Act 1956, the Hindu Adoption and Maintenance Act 1956, and the Dowry Prohibition Act 1961.

However, the Hindu Marriage Act (1955) does not provide married daughters the entitlement to live in her pre-marital home and a part in the divided property (Halder/Jaishankar 2008/2009: 678). Some inhibiting clauses of the Hindu Succession Act 1956 were addressed by the Hindu Succession (Amendment) Act 2005 by making daughters a part of joint heirship. As a result, if a property was to be divided, the share of the son and daughter would be the same (Derrett 1959). According to this Amendment Act, daughters are granted a birth right over their parental property, which is jointly owned or inherited by the siblings.

3 Land rights for women: An end in itself or means towards empowerment?

Over the years, the legislative framework has been transformed to grant women land rights through inheritance, yet inter-gender inequalities in land ownership remain. Given that most arable land in India is in private hands passed down through inheritance, the introduction and amendments in the Hindu personal laws brought significant changes despite strong resistance. The question arises: why do women continue to lack rights over land and its access? In many instances, the land owned by women is smaller as compared with landholding belonging to men. To understand the gap between legislation and practice, the *World Bank Group's Gender Strategy (FY2016–2023)* points to a variety of factors: (i) institutional: legal framework not enabling women's land rights, (ii) absence of joint property in event of death of spouse or divorce, (iii) socio-cultural factors: women are discouraged from staking a claim on land resources despite having legal rights.

Building on these factors in the Indian context, we can identify various intertwined aspects hindering women's access to land. (i) Male dominance of institutions and resources. Sharabi (1988) maintains that while patriarchy was a critical feature of pre-capitalist social formation in Europe and Asia, it has been diluted to a considerable extent in Europe due to the advent of modern capitalism (cited in Kocabiçak 2023: 67). However, countries in Asia, specifically South Asia, continue to be defined by gendered labour relations, property rights, and a male-dominated society. (ii) Traditional gender norms. (iii) Social and ethnic divisions: control of upper caste over land resources creating unequal patterns of land distribution, with Dalits and Adivasis suffering the most

(Bhagat-Ganguly 2015). (iv) Devaluation and exploitation of women's labour (Ghosh 2009). This invisibilisation of women's work is rooted in social and cultural devaluation and structural discrimination. (v) Uneven economic transformation and agrarian distress: high economic growth has been coupled with a lack of employment diversification, with women workers remaining "stuck in low value-added but arduous work in agriculture" (Mondal et al. 2018: 9). Moreover, the institutionalisation of contract farming has further exacerbated the conditions of women agricultural workers (Faizi/Shah 2014). Due to their limited access to education and the existence of traditional roles, women are not able to seek employment outside of agriculture (Agarwal 2002). (vi) Resistance to women's rights as India is primarily a patrilineal and patrilocal society. (vii) Chasm between daughter's and widow's right to property: according to Agarwal/Anthwal/Mahesh (2021), despite the expansion of the legal framework to cover daughters and widows under the Hindu Succession Act, a daughter's position remains weak because of patrilocality while widows who claim to property are considered superior as they are considered rooted in family lineage.

The upcoming section covers various feminist debates on the salience of land rights for women as the ultimate aim of their autonomy or as a means towards their socio-economic empowerment.

Bina Agarwal focuses on the gender disparities in land and property ownership in South Asian countries. In this region, most of the population live in rural areas, with millions directly dependent on land and agriculture for survival. However, male dominance over land and its utilisation leads to the exploitation of women's labour. Agarwal argues that to improve women's socio-economic condition, it is imperative for women to have secure land rights (Agarwal 1994a, 2016). Nitya Rao (2011) argues that women faced with this challenge of undervaluation of their labour are left with no choice but to opt for underpaid and arduous work. Their relatively low educational levels and strict gender roles make their employment avenues limited to agriculture, whereas men are at liberty to seek greener pastures outside the agricultural sector in urban areas. For women, not carrying a land title, their marginal land and not being formally viewed as farmers, inhibits their ability to ensure deft handling of their land and does not entitle them to avail the advantages of state-sponsored schemes for farmers. Despite acknowledgement of the vital role of women in agriculture, their lack of land ownership and denial of rights over forest land, limits their bargaining power. However, Rao, while accepting the significance of legal recognition of women's land rights, also highlights the social resistance to effectively enforce such entitlements. She makes a case for pursuing the project of women's land rights by fine tuning them to the socio-cultural environment. According to Rao, it is equally important for women's land rights to carry social validity as they are a part of the wider matrix of power relations within the family and society, women are not identified as independent of the household and strengthen their position through their familial and social ties, especially by winning the support of their husbands. Thus, while Rao (2011) agrees with Agarwal over the salience of land rights in empowering women, the former adopts a more culturally nuanced approach in prescribing an amalgamation of measures aimed at individual rights for women towards homes and household plots, joint title over farm lands and collective rights of women and other groups to forest lands and resources.

Cecile Jackson (2003) espouses the cause of land rights for women, she is unsure about their capacity to effect favourable change for women in the terrain of gender relations. While Bina Agarwal makes a case for land rights for women on the grounds of enhancing their wellbeing, ensuring better outcomes in agriculture and strengthening the positions of both women and men, Jackson argues that given the scarcity in the availability of government land for allocation and the lack of probability of women from landless households to benefit from any land allocation within the household or within the family, nor even from their parental family, it is difficult to operationalise land rights for women. She argues, there is not much hope that land rights for women will bring about a positive shift in their socio-economic positions. Also, the trajectory of transformation in agriculture signals a rising trend towards landlessness.

Agarwal (2003) argues that farming is becoming more female-led, without women possessing ownership of the land they till. Jackson (2003) adds a more nuanced perspective to the debate by emphasising that women till the land in varying social capacities and highlights the distinction between the feminisation of agricultural labour and the feminisation of farm management, as both these phenomena have different implications for land ownership by women.

While Agarwal argues that tilling the land without having ownership rights over it, exacerbates the risk of poverty for women, Jackson counters this claim by arguing that this may be true for men and not for women since their lived experiences in relation to poverty and employment are distinct and emanate from their gendered social engagements with cultivation and child bearing. She asserts that rural women face many other threats like disintegration of their households in the event of dissolution of marriage or death, which can lead to their impoverishment more than lack of land rights for them.

Jackson emphasises the importance of looking at the issue of land rights for women from a gendered lens, which may or may not lead us to a uniform justification of land rights for women. This is because women relate to land in different social capacities as landless women, women owning their household lands and those inheriting land from their parental families, or jointly owning land with their husbands. Land relations must be understood as social relations and different land relations have distinct discourses and ethical interpretations surrounding them. She further counters Agarwal's claims by arguing that women have several subject positions as daughters, wives, sisters which impact their land relations differently. Thus, land rights are mediated through social relations of family lineage or descent and marriage.

Instead of offering a blanket prescription of land rights for women like Agarwal, Jackson brings in the issue of women demanding demands of land rights. She says that such demands arise from women's subjectivities or their unique lived experiences and how these impact their claims for land rights. As long as a woman is receiving whatever she expects from marriage, she might be less motivated to claim land from her husband and in fact, such a claim may signal a breakdown in the marital relations. Jackson believes that rural women are less likely to make such demands for land. She asserts that the evaluation of gender and property relations should be done in the backdrop of changing relations between socio-cultural institutions and their main protagonists, i.e. village women and men. This should form the basis of gendering the land question. Also, how social relations of marriage and family encourage and discourage land claims

by rural women and how women as social agents contribute to social change and how such change impacts them. Thus, as Jackson argues, balancing between individual and common interests within the household, between material well being and overall welfare is at the centre of gendered analysis of land.

Underscoring the importance of land rights for women's empowerment, Agarwal highlights that "better employment opportunities can complement but not substitute for land" (Agarwal 1994b: 1455). Jackson (2003) argues that such a view arises from a belief that power is derived from ownership of land. She highlights that claims to land might be fulfilled through struggles and movements involving different actors and interests. Even if a woman is able to secure land rights, in the absence of social approval of such claims, she might face contestations that make such land claims vulnerable. Jackson refers to ethnographic studies that focus on distinct positions of various women and their subjectivities towards land and place gendered land relations in the backdrop of family lineage, marriage, employment, and life stages.

In our view, although land rights are significant in strengthening the socio-economic position of women, they cannot be considered the sole panacea for ensuring women's autonomy. The current context of limited earnings from the agricultural sector due to the crisis surrounding it, despite the sector employing the largest number of men and women in the country, the limited availability of land for distribution, both by the state and within the family, the trend towards land dispossession and landlessness as well as the plethora of empowering employment opportunities outside agriculture, weaken the potential of land rights to serve as a magic wand for women's empowerment. The agricultural sector, as evidence suggests, has been restricting the growth space for different intersectional gender identities which has had a crippling effect on their life chances. Also, there is a general out-migration of men realising the restricted growth opportunities that farming offers. Younger generations of women, both in the rural and urban areas, irrespective of their social particularities are seeking more egalitarian and development-oriented employment and entrepreneurial avenues to empower themselves and rely on their incomes so earned to build assets for themselves, without allowing conservative gender norms to play spoilt sport.

4 Women's struggles for land rights in India from the lens of intersectionality

Decades of feminist scholarship have provided valuable theoretical frameworks and concepts to examine the position of women and gender relations in society. Crenshaw's (1991) concept of intersectionality has helped unpacking the heterogeneity in how women experience systems of oppression and privilege based on their intersecting social identities, such as gender, class, caste, ethnicity, etc. In the same vein, women's access to land and rights over it in India must be seen through an intersectional lens. This is to understand the underlying factors that place Dalit and Adivasi women at a substantial disadvantage as they encounter double or triple whammy of their gender, class, caste/Adivasi location vis-à-vis upper caste women and men (Chakravarti 2018; Paik 2018; Rege 1998, 2006; Guru 1995). Omvedt referred to Dalit women as "the downtrodden

among the downtrodden” (Omvedt 1979: 763) to underscore the layers of marginalisation faced by Dalit women. Omvedt (1990) argues that land ownership is not just an economic issue, but a fundamental right tied to dignity and autonomy.

Dalit women have been fighting for land rights not just for themselves but for their community, which is majorly landless. Notably, these struggles are not part of the either mainstream feminist or Dalit Rights Movement. The former has been criticised for focusing on issues affecting upper caste women, and the latter took up issues like respect and social justice, leaving out the cause of the landless Dalit community. Dalit women in Punjab (which has the highest proportion of the Dalit population of more than 30 percent) and Maharashtra have been leading peasant and agrarian struggles for land rights, to cultivate common village land, against dispossession and gender-based violence (Jadhav 2020). Singh (2017) highlights the leadership of landless Dalit women in Gobindpura struggle in Punjab, who successfully fought for compensation for landless families and plots for homesteads for displacement due to an industrial project. In other places in Punjab and different states, like Tamil Nadu, Gujarat and Andhra Pradesh, Dalit women have been acquiring common land, forming collectives, and cultivating on common lands as an act of resistance as they are denied access to common village land or with state support as in case of Kerala (Chandran 2018).

Land is understood not just as a form of physical property but is intricately linked to the way in which the Adivasis are recognised (Rao 2008). Women have been credited with realising the emblematic and classical importance of land to Adivasi selfhood. The rights of indigenous women over land vary. Taking the case of the land ownership rights of Adivasi women in the state of Jharkhand in India (dominated by Adivasi population), where such rights are mostly based on customary arrangements of land inheritance, De (2018) writes that such a system is mostly patrilineal and is designed to prevent alienation of land. The widows and daughters belonging to the Munda and Oraon tribes receive lands to maintain themselves. Such lands are available to the widows till their death and the daughters until their marriage. Once the daughters are married, their maintenance lands get distributed among their male siblings. However, husbands and sons do not enjoy the right to take over their father's land. On the other hand, a widow is given landed property, of a size matching her younger son's share, to maintain her. She is entitled to utilise the produce of her land throughout life. This land is usually tilled by the son in whose house she resides. However, if the widow marries again, she loses her right over the maintenance land. However, a widow who does not have male children is entitled to control her husband's land as long as she is alive (Ekka 2011). Daughters of the Santhal tribe in Jharkhand, are beneficiaries of special arrangements made for them to have a stake in their fathers' lands. If the father of a maiden girl, belonging to the Santhal tribe dies and he does not have a surviving wife, male children or brothers, the maiden daughter shares the land with her sisters and if she is a single child of her parents, then she takes over it completely (Archer 1984).

The forest economy is fuelled by women's labour. They perform most of the difficult and labour-intensive tasks in agriculture, however, control over land is vested in men. Women belonging to the Ho tribe are not sustained by their husbands and are instead entitled to till a plot of land (Kishwar 1987), which is transferred back to the men of the household after the woman's death. Similarly, soon after a daughter of the

Ho tribe weds, she does not remain entitled to her father's lands. An abandoned woman does not gain control over her father's lands. Yet, a maiden of the Ho tribe is entitled to working on her parental land and be sustained by it. However, she does not enjoy the right of inheritance as her brother does. Similarly, a widow can be maintained out of her husband's property but cannot take it over. The nature of rights over land of most indigenous women is usufructuary, that is being available for use without any rights of inheritance over them. Also, the idea of joint ownership of land by husband and wife does not exist. An Adivasi woman who does not give up her usufructuary control over land is subjected to different forms of violence, including witch killing (due to her demonisation as a witch) and isolation by the community (De 2018).

Thus, Adivasi women do not enjoy independent control over land in most cases. This restricts their ability to build a strong social persona for themselves by having title to and controlling land (Rao 2008). Widows who take over their husbands' lands are usually tormented as per activist accounts. However, as a social security measure, the fathers, brothers and other male relatives of the Adivasi women transfer some land to them in their parental village as a present (De 2018). Still women have resisted dispossession and have fought for equal inheritance rights. Women have been fighting against the large-scale land grabs, which rob them directly of limited economic activity and solidarity structures, but they have also questioned the purpose of development itself, for instance, the Niyamgiri Movement by Adivasi women in Odisha (Behera/Padhi 2022).

Since Dalit and Adivasi women's experiences of land dispossession and marginalisation are distinct, they require targeted policy interventions considering the intersectional nature of the denial of land rights. Despite facing massive threats to livelihood and lives, Dalit and Adivasi women have created unique strategies and formed new kinds of solidarity with other oppressed groups and fight for land rights.

5 Conclusion

The foregoing analysis provides insight into the land rights in India from a gendered lens. The evolving legal landscape and the customary laws of land inheritance becoming more accommodative of gender claims has been brought out. However, the contestations and lack of social validity over women's land claims has been an inhibiting factor. Whether land rights are the sole panacea for whatever plagues women's development has been investigated by drawing on various feminist debates on the issue. Also, the trajectory of struggles for land rights has been charted, looking into the distinct experiences of both Adivasi and Dalit women in particular. In view of the land dispossession caused by the neoliberal agenda, it is suggested that the rehabilitation and resettlement efforts by the state and market players should be made more gender-sensitive and should cover the needs and growth prospects of different intersectionality dominated women in terms of land rights, alternative employment opportunities and any kind of compensation etc. Finally, the development potential of land for different intersectionality dominated women is investigated and our view, while acknowledging the importance of land rights for women, is tempered with highlighting the possibilities and prospects for women outside agriculture. In view of the constraints of land resources, restricted in-

come and growth potential of agriculture, strict control of patriarchal discourses around the sector's operations and availability of greener pastures outside the farm sector, we propose that employment, education, and upskilling, instead of being supplementary to land rights can in fact, buttress the autonomous and developed position of women and aid in building landed assets for themselves through their own income given gradually changing gender norms. This might enable women to steer clear of any succumbing effects of feudal gender norms and social validity of their land claims.

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