

## LANDED WITH AN UNFAIR DEAL

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Rural women in India, and worldwide, own very little land. A recent study I participated in, in West Bengal, examined the reasons behind this and the possible government steps for fostering women's landownership.

The first question that might occur to some is: why do rural women need to own land? Most landless women answer this question very simply: "Owning land would give me security, in case my husband leaves me or in case I am widowed." In Pataihat village (Barddhaman), a man told me that his wife would repeatedly ask him to "put one *bigha* in my name for my security". He confided that he had still not fulfilled her request.

Apart from earning and feeding their families, rural women feel that ownership of land would include accessing credit and government aid, as well as more respect from their families and communities. Moreover, as more men migrate for work, agricultural production becomes increasingly reliant on women.

Women do have the legal right to inherit land when their husbands or fathers die. However, due to social constraints, lack of education and legal assistance, many women cannot take advantage of this right. However, if a woman separates from her husband, she does not have the right to the household land owned by him.

### Common destiny

The first step in making women land-owners is to make granting land to them a top priority in all government land distribution schemes. Unfortunately, until recently, the West Bengal government almost always granted land solely to the male head of the household. More recently, it has adopted a policy for allotting land independently to women, or jointly to husband and wife.

One case in Charpataibut Village (Barddhaman), illustrates the importance of joint or independent titling for women, especially in the case of widowhood or marital break-up. A widow I spoke to was very nervous about being thrown out of the small house. She and her husband were refugees from Bangladesh, and were allotted land upon their arrival in West Bengal. The land was titled in her husband's name, who had expired, and her sons, whom she lived with, were threatening to force her out of her house. If this land had been jointly in her name, she would not have to constantly fear eviction.

In addition to allocating future government grants jointly to couples or individually to women, there is still an opportunity to grant women ownership rights over previously allocated land. The study revealed that a large number of land reform beneficiaries who have already received land (sometimes several decades ago) have not yet received their *pattas*.

### For her security

As a more comprehensive step, the West Bengal government should think of retroactively adding wives' names to all previously distributed land and all *bargadar* registration documents. Vietnam, for instance, is currently re-issuing title certificates on de-collectivized land to both husband and wife.

But what about all the women in households that purchase or inherit land rather than receive a government grant? These changes would not benefit them. In countries such as Indonesia, the Philippines and much of Latin America, a woman is considered joint owner of any property purchased during marriage, even if she is not a registered owner. The thinking behind this concept is that both husband and wife work together to improve their lives.

Adopting a marital co-ownership law would ensure that a widow would not be disinherited by her husband on any account, and that her husband cannot gift, will or sell away the land.

Granting wives joint ownership of land purchased during marriage would benefit women state-wide. This would involve a more comprehensive change at the national level. Until then, the West Bengal assembly should take the initiative by amending current legislation, so that land grants are given in joint or independent ownership to women.