



Between Culture and Policy: Women's Claims-Making to Land in China and India

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It is important to remember that the productive forces play a crucial role in defining the power structure and the social matrix of a society. Given such a context, struggle for control over the productive forces has resulted in creation of hierarchies and entrenched inequalities. The control over land rights has become an important instrument for control and domination, and further entrenchment of gender hierarchies in a patriarchal system, as various feminist scholars including Prem Chowdhry have shown in the context of India. They show how certain social and cultural factors downplay the economic agency of women, thus, rendering them vulnerable and dependent on men. Such formations underpin the foundations of gender hierarchy.

Located within the larger feminist discourse on economic independence and emancipation of women, the presentation is yet another contribution to the growing corpus of literature that aims to broaden the understanding of the functional mechanisms of patriarchy in various sociocultural milieus. By comparing two cultures viz. China and India, and gleaning out the dynamics behind women's claim to land rights, the Govind Kelkar attempted to show the convergences and divergences within women's assertion of rights in the two countries. She attempted to show the changing patterns of land ownership that has been achieved through efforts at laying claim to land rights in both countries. Juxtaposing the state policies in China with that of India, she underscored the role played by the state in enabling women's claim to their land rights.

China and women's land rights

In the context of China, she traced the evolution of women's legal rights to land to the socialist phase under Mao, when individual rights were accorded to all, including women. This was later eroded under the period of collectivization, which laid emphasis on the commune system of production. Though these rights were restored after 1978 under the household responsibility system, male control over the production team was replaced by his role as the head of the household. Recently, the issue of land reallocation was declared in favour of women when the 2013 Land Contracting Law stated that the contract issuing party cannot take away the original contracted land of a woman when she marries unless she receives land in her marital village.

India and women's land rights

Similarly, Kelkar provided a detailed exposition of the history of women's land rights in India. She mentioned that in India too, though women's demand for land rights began in the 1930s, they were accorded a semblance of land rights in the form of joint titles only in 1986 under the 6th Five Year Plan. More progressive laws followed beginning with the 2005 Hindu Succession Amendment Act which enacted daughter's inheritance right at par with son, thus replacing the *mitakshara* tradition. Recently, the 2013 Draft National Land Reform Policy provided for individual land rights to women recognising the inefficacy of joint titles. According to her, the increasing number of land titles that were registered in the names of women were evidence of progress. Other factors seen as contributing to this process were the two per cent reduction in registration fee for women along with the predominant migration among the male members of a household. She also saw women as acquiring new roles such as a labour contractor, tractor driver, etc. with the social recognition of the economic agency of women.

International commitments

Moreover, the state efforts were reinforced by global recognition of land property rights of women, of which India and China are signatories. The state commitments in various global forums like the Universal Declaration of Human Rights, the Committee on Economic, Social and Cultural Rights, the Voluntary Guidelines on Responsible Governance of tenure of land, fisheries and forest in the context of national food security and so on, ensured that the campaign for assertion of land rights for women took a global character.

At the same time, Kelkar cautioned that these policy changes were accompanied by socio-cultural resistance that is discernable through a pattern of increasing violence against women. Despite progressive changes, patriarchal norms and structural deficiencies in the form of limited interaction of women with government officials, absence of women in land and revenue administration, the lack of legal knowledge and so on, continued to constrain women's claims to land rights. Nevertheless, various women's organisations such as Aaroh in India and Chinese Women's Watch in China have attempted to ensure proper implementation of the progressive laws.

Recommendations

Kelkar concluded her presentation with a few important policy recommendations: systematic gender sensitization of land and revenue officials, increasing women's legal literacy of land, accessible single window approach for women's land issues and context-specific research on women's ownership rights to land and other property.

Discussion

The discussion generated questions on diverse issues ranging from feminization of gender studies, comparison of human rights, the civil society movements and sociocultural systems in China and India. The presentation generated particular interest in the phenomenon of leftover women in China, and the Muslim Shariat law in India. Further, the paradoxical trend of domestic violence against women in India accompanying the accordance of rights raised many issues and questions in both the presenter's as well as the audience's mind. Yet another issue pertained to the fact that if much of the change in India was a result of default factors, such as men migrating into cities then this gives rise to deeper questions. The discussions thus highlighted the complex nature of land ownership and the struggle for women's rights within the larger framework of patriarchy that is all pervasive and endemic.

About the Speaker

Dr. Govind Kelkar is the Senior Adviser, Landesa/Rural Development Institute and Senior Fellow at International Center for Research on Women, New Delhi, India. Earlier, April 2004 to March 2012, she worked as Senior Advisor: Programme and Research, Economic Empowerment

Unit, UN Women, South Asia Office, New Delhi, India. She has previously taught at Delhi University, the Indian Institute of Technology, Mumbai, and the Asian Institute of Technology (AIT), Bangkok, Thailand. At AIT, DrKelkar founded the graduate program in Gender Development Studies and also the Gender, Technology and Development Journal, published by SAGE, India. She has extensively worked on gender and energy transition in rural Asia. She has contributed numerous articles to scholarly journals with a focus on gender relations in Asia and has been in close touch with women's movements in the region. Dr. Kelkar has authored/co-authored and co-edited books on gender relations, indigenous peoples and civil society.

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