



The Neoliberal Globalization and Indian Village: Changing terms of discourse on Women's Land Rights

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Abstract

The myth of 'Men Farmer' was already blasted long back. Further, in South Asia, there has been a highly gendered agrarian transition, as men move faster to non-farm jobs than women leading to a much discussed phenomenon 'feminization of agriculture'. In the context of agriculture becoming increasingly less profitable, men move out of agriculture leaving behind women to take care of their farms. In 2004-05, 49% of male workers but 65% of all women workers and 83% of rural female workers were still in agriculture (NSSO 2004-05), and their percentage was rising. An estimated 35% of households are de facto female-headed from widowhood, marital breakdown, or male outmigration, and overall 38.9% of all agricultural workers are women (NSSO 2004-05). Many are uneducated and possess few skills beyond farming. Farm size is also falling and landlessness is growing. Women constitutes most of the landless, typically owning no land themselves even when born or married into landed households. Indeed, given intra-household inequalities in resource distribution, there are poor women in non-poor households whose work contributions (as unpaid family workers) are usually invisible, and who remain atomized and isolated as workers.

1. The Neoliberal Discourse on Land Reforms

The 'forgotten agenda' of 1960s has resurfaced again, albeit at times in a new form. This new form might be dominant but do not go uncontested by proponent of 'traditional' land reforms. Both are not considered mutually exclusive in the sense that concrete steps taken under each may coincide but focus is definitely different. If market led reforms takes into account market compatibility of land tenure system, redistributive reforms were oriented towards increasing productivity and bringing down inequalities. Another distinguishing aspect was the way both these approaches negotiate with local power structure. If land reforms through market admittedly follow a non-confrontationist approach, redistributive land reforms were intended to alter power relations at local level.

The neoliberal conceptualization of land reforms is radically different from the redistributive land reforms. International Organizations such as the World Bank call for rolling out of existing land legislation and propose a few measures to replace 'traditional' measures of land distribution. As part of non-traditional measures, the World Bank (2007) dismisses acquisition of ceiling surplus land; and proposes the provision for loans to the poor for buying land from market (page 43). The Bank also calls for legitimizing leasing of land where it remains illegal till now and eliminating restrictions on land rental and lease term where leasing is legal but these restrictions are in place. It also advocates liberalization of land sale market by doing away with all the restrictions put on changes in land use—from agriculture to non-agriculture and by allowing industrialists or other non-agricultural land users to directly negotiate with land owners for purchase of their land.

In today's context marked by dominance of neoliberal development paradigm, the state also shows more and more inclination towards capital. It also means making land tenure system market compatible. World Bank's suggestions are precisely in this direction and for that reason are likely to get hearing in the government. But at the same time, government also knows that it is sitting on a volcano of landlessness. According to an estimate landless and virtually land form 40.3 percent of all rural households owning less than 0.5 percent of total land in 2003. At the other end, only 9.5 percent households own 56.6 percent area revealing increasing polarized land ownership pattern. This situation presents before us some possibilities alongside few dangers. In an attempt to balance

between mounting pressure from landless classes and capital's push towards policies that actually alienates land, the state may opt for cosmetic land reforms at the expense of real ones. This means initiating measures to ameliorate conditions of impoverished masses while ensuring that existing resource structure and dynamics that helps corporations appropriate land and other natural resources do not get disturbed.

Coming to concrete suggestions offered by both the approaches, first opinion, perhaps that finds more favour in government machinery, focuses on promotion of contract farming (Jain, 2003) legalization of tenancy (Haque, 2003) and distribution of homestead cum garden plots (Shankar, 2003). They warn against blind adherence to land ceilings and tenancy reforms (The World Bank, 2007, Hanstad, Haque and Nielsen, 2008). Another set of land experts opine that 'land reforms through market' would further impoverish landless and land poor peasantry and land ceiling laws must be implemented as land reforms is not just about empowerment of poor but also disempowerment of rural elite. They consider it a necessary precondition for the deepening of democracy in rural India (Bandyopadhyay, 2002).

The neoliberal argument of 'land reforms' puts forward 'sustainability' question to suggest that smaller holdings are no longer viable given capital and technology extensive nature of present day agriculture. Scholars like Reddy (2010) refute this by pointing out that small landholding themselves are not a problem. They have proved to be more productive and efficient in resource utilization than large farms (Sen, 1964). But due to their higher transaction costs and inability to access formal credit, they need state support for adoption of agriculture that enhances yields and returns. Newer evidences claim that inverse farm size relationship no longer holds ground and it is often related to changing nature of agriculture from labour intensive to capital and technology intensive. However, no need to remind that access to modern inputs and technology depends on access to credit and own surplus for investment. New technology could be 'scale neutral' but not necessarily 'resource neutral' (Hariss, 1987).

2. The Question of Homestead Vs Agricultural Land

In today's context, this balancing act of the state reflects in almost replacement of agricultural land by homestead land on land reforms agenda. This does not mean that government's initiative to provide homestead land is not welcome. In fact, early passage of a bill enabling millions of landless to acquire a piece of land of their own for the first time is necessary. But while doing so, one has to remain vigilante that this does not happen at the cost of long cherished demand for agricultural land. Besides, it needs to be reminded that homestead land issues can't be seen in isolation. They are integral part of redistributive land reforms and were already covered by land legislations of most of the states. One reason for continued homesteadlessness is non-implementation of these provisions. Instead of going all out market based initiatives, first of all scope of existing provisions must be exhausted.

3. Tenancy Vs Ownership

Similarly, 'ownership' through distribution of ceiling surplus land faces threat of replacement by 'access' through tenancy. Several states have tenancy laws to regulate terms of lease and sharing of produce etc. They must be implemented strictly for which registration of tenants is a prerequisite. But one must not forget that tenancy is not just an economic activity; it involves reproduction of unequal power relationship between individuals and communities. Studies have also revealed interlocking arrangements of land, labour wages and indebtedness (Trivedi, 2010).

The argument of legalization of tenancy mainly also rests on the premise that by taking cognizance of de facto practice, the state would be in a position to intervene to protect interests of the poor. Secondly, tenancy facilitates access of land poor to otherwise inaccessible land. While doing so, a very simple reality is ignored – that persistence of tenancy is only a reflection of unequal land distribution and most of the land legislations were intended to correct this imbalance. So instead of treating a deep 'malaise', the state would end up institutionalizing it if tenancy is legalized. This regressive step would amount to undoing of all the land reforms that is done in last half a century. As far as intervention of the state is concerned, voices in the media and political circles are already

getting louder to eliminate restrictions on terms of tenancy where it is legal. Moreover, with a large body of evidence revealing increasing practices of reverse tenancy, it is hard to claim that legalization would facilitate flow of land from the rich to the poor. In fact apprehensions of people that this would lead to further concentration of land doesn't seem entirely untrue considering interest of corporations in setting up large farms. Land ownership given to Dalits and landless cannot be equated with leasing of land, arguing that both provide access to land. 'Ownership' has to be differentiated from 'access'. In today's context marked by increasing practice of reverse tenancy and corporations willing to lease in large tracts of land, in some places legalization of tenancy may prove counter-productive also.

4. Land Reforms Vs Land Management

In last few years, whatever is happening in the name of land reforms is more of land management. Here, focus is on most efficient use of land resource rather than redistribution of land. It appears that this discourse is oriented towards efficiency, productivity and manageability in place of equity and eradication of landlessness and poverty (Saxena, 2010)

Computerization of land records, integration of several land laws in one revenue code etc are few such examples. These initiatives are taken primarily to facilitate land markets become more vibrant but at the same time they are also helpful to land owners. But land management should not be mistaken for land reforms.

5. Women's Land Rights

In this context, land rights of women assume greater significance than before. But neoliberal discourse on land reforms seems to have been advocating a set of policies that may prove counter-productive from point of view of women. This new approach of land reforms can be distinguished from the approach of redistributive reforms on at least three counts. One, it shifts focus on land instead of its user. It is assumed that ownership structure needs not to be disturbed. Only 'access' has to be facilitated and policies should be oriented towards more efficient use of land. Two, these policies are defined non-confrontations for their escape of power structure. Three, market acts as central figure rather than state assuming that free markets themselves allocate resources efficiently. At the ground level these policy prescriptions translate into replacement of 'ownership' through distribution of ceiling surplus by 'access' through tenancy, homestead land by agricultural land and land reforms by land management. From the point of view of women especially belonging to landless marginalized communities, this change would also mean that they lose hope of getting ownership of a piece of land under distribution of ceiling surplus land programme.

It would also entail alienation of their land in the name of its 'efficient' usage by rich farmers and large corporations. Advocates of neoliberal reforms are also stressing need for a paradigm shift from subsistence farming to market oriented commercial farming for which land reforms should legalize land leasing and promote system of land share company. It is also pointed out that real motive of legalization of tenancy is to facilitate industries and corporate to lease in land from farmers.

It would also mean that women those who constitute bulk of the marginal farmers would be further marginalized. Large chunk of women agriculturalist belong to marginalized communities such as SCs and STs. A number of changes have been made recently in state land laws aimed at lifting protection given to these oppressed communities. For instance, Chattisgarh government has dropped clause 165 (8) from its land revenue code which incorporated prohibition on alienation of adivasi land. Similarly, the new UP Revenue Code has also diluted provision against alienation of SC/ST lands. After the repeal of Urban Ceiling Act, builders, colonizers and investors in land property have been acquiring agricultural land on a vast scale. This phenomenon is being scaled up by including more and more villages in municipal areas. Through all these processes, we are witnessing a large scale alienation of agricultural land to non-peasant classes and women, located at the bottom of land resource hierarchy are worst affected by this.

From the standpoint of women belonging to landless classes, land reform is not just transfer of an economic asset in their favour the point but it also involves upsetting of the existing socio-political structure. Land reform through market skips this crucial element. It enriches the rich and impoverishes the poor.

Several state governments offer concessions on stamp duty if a property is registered in the name of a woman only. These schemes are commendable but they are likely to have its impact only on a miniscule proportion of land transactions given the fact that market transactions of landed property in rural India are only a fraction of transaction through inheritance. Amendment in Hindu Succession Act was intended to address gender inequality. However issues remain with its implementation and fate of women who remain outside this law uncertain.

6. Market-led Reforms and Primitive Accumulation

The approach of market led reforms can be distinguished from the approach of redistributive reforms on at least three counts. One, it shifts focus on land instead of its user. It is assumed that ownership structure needs not to be disturbed. Only 'access' has to be facilitated and policies should be oriented towards more efficient use of land. Two, these policies are defined non-confrontations for their escape of power structure. Three, market acts as central figure rather than state assuming that free markets themselves allocate resources efficiently.

These prescriptions have started reflecting on public policy. For instance, the new revenue code of Uttar Pradesh appears to have focused on making land tenure system of the state more market compatible in terms of liberalizing land usage conversion, easing restrictions on sale of land belonging to SCs and STs and with changed definition of 'land' almost watering down any possibility of implementation of Ceiling Act. What is happening is a reversal of land reforms aimed at 'land to the tiller' (Saxena, 2010). After the repeal of Urban Ceiling Act, builders, colonizers and investors in land property have been acquiring agricultural land on a vast scale. This phenomenon is being scaled up by including more and more villages in municipal areas.

Several other state governments such as Karnataka, Maharashtra, West Bengal, Tamil Nadu, Orisaa have started relaxing ceiling limits on agricultural land for corporate and industry. SEZ Act is another such example which allows immense concentration of land in the hands of big business. Like UP, Chattisgarh government has also dropped clause 165 (8) from its land revenue code which incorporated prohibition on alienation of adivasi land. Advocates of neoliberal reforms are also stressing need for a paradigm shift from subsistence farming to market oriented commercial farming for which land reforms should legalize land leasing and promote system of land share company. It is also pointed out that real motive of legalization of tenancy is to facilitate industries and corporate to lease in land from farmers (Pushpendra, 2000).

Through all these processes, we are witnessing a large scale alienation of agricultural land to non-peasant classes. It appears that neoliberal discourse on land reforms intends to facilitate the process of 'primitive accumulation' by removing legal protection given to peasantry in existing legal mechanism. Need not to remind that removal of ceiling and restrictions on tenancy have the potential to help large corporations accumulate large tracts of land.

7. Conclusion

This dynamics of primitive accumulation have the potential to push land concentration and increase landlessness which is evident in large data sets also. There is a need to resist reconceptualisation of land reforms and assert to retain its progressive content. No need to remind that distribution of ceiling surplus land must be the cardinal element of land reforms. Shifting focus elsewhere would only create false impressions. The Ceiling provisions must be accorded their due central place in the schema of land reforms and all other initiatives must be geared to realize full potential of them. Loopholes in Ceiling laws must be plugged to avoid its evasion. Instead of institutionalizing, land laws should be able to curb absentee landlordism combined with forceful implementation of tenancy laws. Provisions against land alienation should be brought back and vigorously implemented in the context of ever increasing domination of market forces. Complete reorientation of land acquisition laws is needed. An integrated approach to agrarian reforms which includes access to land, water and credit is required.

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