

LEGAL EMPOWERMENT FOR LAND RIGHTS: THE WHAT AND THE HOW

Working Group for Women and Land Ownership is an informal, unregistered working group of 23 Civil Society Organizations, Community Based Organizations and Development Professionals from Gujarat engaged in the state to address the issue of rural women's land ownership through multi-pronged approach. It has been involved to increase women's ownership of land and undertake advocacy for implementation of laws and legal reform to enable women owning land in their own name. It has a state level network of paralegals that are effectively contributing to ensure land rights for women.

1. SETTING THE CONTEXT:

The issues of women's control and ownership over land are influenced by two factors.

- 1) Social factors like prevalent mindset against women owning land, social status of women, poor mobility leading to poor skills at managing land etc.
- 2) Lack of legal empowerment which includes lack of awareness, absence of enabling factors like access to an entitlement center, insensitive and irresponsible machinery, lack of representation during disempowering process etc.

The work of the WGWLO in ensuring rights of women over private land has tried to address all the above needs. Over periods of several years, it has been able to integrate the issue of women's land rights in the ambit of several organization's agenda. The collective efforts of the organizations which have organically grown to encompass the broad 4 pillars of legal empowerment namely creating awareness, creating a mechanism to respond to claims, removing procedural and systemic blocks and making the system sensitive and responsive have thrown some learnings. This paper attempts to capture the following aspects:

- 1) Identifying specific needs of legal empowerment with respect to women's land rights.
- 2) Evaluating various strategies used for addressing legal empowerment need on the issue.

While the focus will be on addressing all four pillars, a more in-depth analysis of setting up a paralegal cadre on the issue will be undertaken. Aspects like selection, the strategy for capacity building, locating / institutionalizing them in local organizations, impact and learning will be discussed at length.

2. THE BACK GROUND OF THE LEGAL EMPOWERMENT PROGRAMME:

The formative phase of the network focused more on building an understanding of the issue. The search led to different perspectives (livelihood enhancement, welfare improvement and women's empowerment) of why it was critical for women to own land. Sooner than later, the linkage between all these and the legal frame work was evident. This led to conceptualization of the paralegal training programme. There was a dialogue between the funding partners i.e. Action Aid which could commit funds to an action research and the WGWLO whose need was to initiate a capacity building process at the grass roots. A win-win was struck where we designed and articulated the capacity building process as an action research to study whether the availability of a grass root trained paralegal enhances the

women's ability to claim their rights over land. The flexibility of the donor and ability of the network to rearticulate their programme as an action research were critical in this case to start the capacity building initiative. The action research was undertaken with the following objectives:

- a) To study whether the availability of trained cadre of paralegals can increase the ability of women to claim their land rights
- b) To understand the barriers [social/legal/procedural] that impact the women's ability to claim their land rights.

3. THE CAPACITY BUILDING PROCESS: The following section talks at length about the process for capacity building

- a. **WELL BEGUN IS HALF WON:** A total of 25 paralegal workers representing 9 organizations and 10 sangathans were the initial torch bearers. The capacity building process for paralegal workers was set in the back ground of series of workshops with organizations and sangathans which had contributed to building the readiness to absorb the person and the issue. In our other experiences, if this readiness to integrate an issue and law as a response strategy is absent, a trained paralegal worker is not able to be effective
- b. **LOCATING THE PROGRAMME:** The programme was phased out with two input workshops interspaced by field work where the paralegals would apply in field the concepts that they learnt. This was reviewed on monthly basis and actual problems faced in the field were sorted out during the review meetings. The review meeting also acted as the spaces where we learnt about lapses on part of government, procedural unclarity etc that led to the articulation and sharpening of advocacy demands. While some inputs were common, given the differentiated needs of organizations working with the Adivasi women, a separate space was also created for inputs and reflections. This allowed for programme to be tailor made to specific needs. This application oriented approach with learning over live-problem solving inbuilt in the design and differentiated spaces to cater to different needs made the programme special.
- c. **SELECTION OF PARTICIPANTS:** Each organization was expected to nominate a person for the programme. Most of the participants had some exposure to the issue and none to laws and procedures. It was expected that they will be able to read and write because land laws require familiarization with the land records. While it had been emphasized repeatedly that the person should remain constant throughout the programme, there were instances where different people would be sent for different input and review sessions. This broke the thread and continuity and adversely impacted the process. Therefore , not getting a long term commitment from the nominating organization is a challenge to be dealt with.
- d. **BUILDING AN IDENTITY:** An effort was made in the beginning to ensure that they come out from the social-worker's frame and start identifying as paralegals. This meant exercises that helped them distinguish between the just-unjust and legal-illegal frame work , opportunities and limitation in using law and what their role as a paralegal worker could

involve. This is important to shift their focus from their regular way of operating to using a rights frame work.

- e. **IDENTIFYING NEEDS:** An assumption was made regarding the probable inputs that the participants would need. This was based on the previous workshops on the issue and discussion with organizational heads. It was assumed that the participants will be community workers and leaders and will have the basic orientation on how to work in the community. It was also assumed that their exposure to law and legal procedures and even rights based approach would be minimal.
- f. **ADDRESSING THE NEEDS:** The process of building their commitment to the issue was multi pronged. It involved approaching the issues from different perspectives. At the cognitive, it worked at imparting the necessary information about laws and procedures, administrative structures, different approaches to women's ownership of land. At the emotive or attitudinal level, we tried to address the misconception prevalent around the issue [ex women can't manage land, they are taking their male counter parts share, because they get dowry, they don't have a share, this will lead to fights amongst families]. This was done through different lenses ex from the eyes of the husband [if you die and your children don't look after your wife] daughter, widow etc. The skill element involved practically doing awareness programmes, identifying claims, filing and following up claims etc. A regular review meeting where the three were simultaneously reinforced over discussing real life problems arising during the field work repeatedly acted as a force multiplier and enhanced learning and application.
- g. **ASSIMILATION IN ORGANISATIONAL SETTINGS:** While the engagement of the GWLO was over a capacity building process, different organizations have used different strategies to integrate the issue and response mechanism in their own setting. Organizations which already had a system of claim redressal like *Mahiti Kendra* or *Nyaya Samitis*, dedicated a day aside for land rights claims. There were other organizations that started a response mechanism to be able to dedicate sufficient time to the land rights claims. Some organizations strategized campaigns where they would identify and resolve huge number of claims over a fixed duration with the help of the revenue department
- h. **MAIN STREAMING THE PARALEGAL CADRE:** An effort was made to try and integrate the cadre created by us with the State run paralegal volunteer scheme. The scheme, initiated by the State Legal Services Authority allows for the paralegal to be certified and paid from state funds. The initial dialogue for the same has taken place and principally the Secretary has shown interest in taking up the experiment.

4. IDENTIFYING SPECIFIC NEEDS OF LEGAL EMPOWERMENT WITH RESPECT TO WOMEN'S LAND RIGHTS:

Legal Empowerment comprises of four pillars. The following section deals with the effort of the GWLO regarding each of these pillars

- a. **CREATING AWARENESS:** Awareness rising on the issue was mainly done through the trained paralegals, sammelans, radio and disseminating educational material. Interesting methods like game of snakes and ladders, quiz, “prashn Potli” or a process where in melaas a stall was set up to give immediate solutions to legal issues, etc were developed to give relevant information as well as to challenge the existing mindset that goes against ownership of land by women. A film “Bhage Padti Bhoin” or “My Share Of Land” is an interesting narrative of rearticulating the myth of Sita being consumed by earth after her *agni pariksha* as the mother earth coming to her rescue when she didn’t have support from any one and therefore establishing that women must have shares in property. It goes on to break the stereotypes that prevent women [as daughters, wives and widows] to claim their share, mind set of men [as brother, relatives and panchas] that goes against women claiming their share, counters standard arguments of dowry, women’s inability to manage property etc, uses positive role modeling as a way to influence and gives information on relevant laws.
- b. **CREATING A MECHANISM TO RESPOND TO CLAIMS:** It was apparent that just these small number of people trained under the program were able to settle at least 40 claims on an average clearly establishing the link between availability of a response mechanism to women’s ability to claim their rights . This also highlighted the total absence of State facilitated legal aid mechanism and failure of systems like Vividh Lakshi Kendras etc to take this issue within their ambit.
- c. **REMOVING PROCEDURAL AND SYSTEMIC BLOCKS:** In order to make the system sensitive and responsive, it is important to target strategies at two levels. On the one hand, we need to work towards creating a positive environment and willingness of duty bearers to work on the issue; on the other hand, we need to understand the systemic block and ways of overcoming them. Meeting after meeting, we were flooded with exasperated expressions of lack of clarity of procedure amongst revenue officials. Mis conceptions like *varsai* cannot be done during the life time of husband, non availability of the revenue officer etc. Lack of gender perspective where laws and procedures are clearly in favor of women was also a hindering factor. In order to address these organized efforts at including sensitivity towards ensuring land rights for women in Training organized for revenue staff, *Mamlatdar Samvad* or programmes where women could express their problems to the revenue officer and *varsai* camps where the entry of women’s names in land records was done in a campaign mode was undertaken. The efforts at including this component in revenue officers training have shown positive results where the workers have met officials who have undergone training and have been more responsive to the same. Recently, the State agreed to formally introduce this as part of formal syllabus in their regular training. Regarding the lack of clarity about procedures, RTIs were filed before different District Collectors and dissimilarities in procedures was tabulated and submitted to Revenue Secretary asking him to clearly lay down the procedure to be followed.

The efforts of WGWLO are unique in character for their ability to integrate the four pillars together in their overall strategy. It is now also helping networks in other states to develop their perspective and capacities. It has been actively campaigning for police reforms the strength for which comes from one of these first initiatives started by a small group of grass root workers. This small endeavour which organically grew out of awareness generation workshop has given us deep insights into the issue and future strategies specially with respect to advocacy