

Report No. 37
GENDER, LAND AND LIVELIHOOD IN SOUTH ASIA

Centre for Policy Dialogue

House No 40/C, Road No 11, Dhanmondi R/A, GPO Box 2129, Dhaka-1205, Bangladesh

Tel: 8124770; Fax: 8130951; E-mail: cpd@bdonline.com

Website: www.cpd-bangladesh.org

September, 2000

The Centre for Policy Dialogue (CPD), established in 1993, is an innovative initiative to promote an ongoing process of dialogue between the principal partners in the decision making and implementing process. The dialogues are designed to address important policy issues and to seek constructive solutions to these problems. The Centre has already organised a series of such major dialogues at local, regional and national levels. These dialogues have brought together ministers, opposition front benchers, MPs, business leaders, NGOs, donors, professionals and other functional groups in civil society within a non-confrontational environment to promote focused discussions. The expectation of the CPD is to create a national policy consciousness where members of civil society will be made aware of critical policy issues affecting their lives and will come together in support of particular policy agendas which they feel are conducive to the well being of the country. The CPD has also organised a number of South Asian bilateral and regional dialogues as well as some international dialogues.

*In support of the dialogue process the Centre is engaged in research programmes which are both serviced by and are intended to serve as inputs for particular dialogues organised by the Centre throughout the year. Some of the major research programmes of CPD include **The Independent Review of Bangladesh's Development (IRBD), Governance and Development, Population and Sustainable Development, Trade Policy Analysis and Multilateral Trading System and Leadership Programme for the Youth**. The CPD also carries out periodic public perception surveys on policy issues and developmental concerns.*

*As part of CPD's publication activities, a CPD Dialogue Report series is brought out in order to widely disseminate the summary of the discussions organised by the Centre. The present report contains the highlights of the dialogue organised by CPD, which was held at the Centre on February 19, 2000 on the theme of **Are We Not Peasants Too? Gender, Land and Livelihood in South Asia.***

Report prepared by: Mr Arif Al Mamun, Research Associate, CPD

Assistant Editor: Ms Ayesha Banu, Coordinator (Dialogue & Communication), CPD

Editorial Advisor: Mr Syed Badrul Ahsan

Series Editor: Professor Rehman Sobhan, Chairman, CPD

**Dialogue on
GENDER, LAND AND LIVELIHOOD IN SOUTH ASIA**

i) The Dialogue

The Centre for Policy Dialogue (CPD) organised a dialogue with Dr. Bina Agarwal, Professor of Economics, Institute of Economic Growth, University of Delhi, on 19 February 2000. The dialogue, the theme for which was “*Are We Not Peasants Too? Gender, Land and Livelihood in South Asia*”, was moderated by Professor Rehman Sobhan, Chairperson, CPD.

The following report is in the form of a summation of Professor Agarwal’s presentation at the dialogue and a summary of the discussion consequent on the presentation. Professor Agarwal illustrated her presentation with transparencies of maps and tables. A list of participants at the dialogue is annexed.

ii) Resume of Professor Bina Agarwal’s Keynote Presentation

Dr. Agarwal opened her presentation through recalling the demand made two decades earlier, in 1979, by a group of poor women from West Bengal before their village panchayat:

“Please go and ask the government why, when it distributes land, we don't get a title? Are we not peasants? If our husbands throw us out, what is our security?”

This query, noted Agarwal, underlined women's clear recognition of the precarious nature of intra-household resource sharing in general and the sharing of productive resources in particular.

Indeed, Dr. Agarwal pointed out, there were numerous cases in South Asia of women from well-off households being deprived of their rightful property shares by prosperous relatives, and being left destitute on desertion by their husbands or on coming by widowhood. Some were even spotted engaged in wage labour on farms owned by their well-off brothers or brothers-in-law.

In most regions, she argued, women also constituted a disproportionate number of the poor, and especially of the chronically poor. And in de-facto female-headed households, women often manage both family subsistence and cultivation with little male assistance, and without possessing *a field of their own*.

In recent years, with growing evidence of intra-family inequalities, women's economic concerns have received some attention. But the focus continues to be mainly on wage employment, or on self-employment through credit for micro-enterprises, obscuring what is commonplace in measuring the economic status of men or of households, namely, property ownership and control.

Dr. Agarwal emphasised, as she earlier did in her scholarly works, that effective and independent property rights were likely to be the single most critical contributing factor to women's economic well-being, social status, and political assertion. In the agrarian economies of South Asia, the keynote speaker reminded her audience, the most valued form of rural property remained arable land.

Yet, she argued, the preoccupation with globalization at the macro-level and with micro-credit at the local level has obscured the central question of access to productive resources, in particular access to land. Indeed, she noted, micro-credit for women has become the formula for dealing with poverty across the developing world. In her view, macro-resources for men, and only micro-credit and micro-enterprises for women, will constrain the ability to deal both with poverty and gender inequality. At the dialogue, Agarwal, therefore, sought to resurrect the critical issue of land rights from a gender perspective.

Professor Agarwal noted that a key word in her analysis was “effective” as applied to the issue of land rights, that is rights not just in law but also in practice; and rights not just of ownership but also of control.

Why Do Women Need Effective Land Rights?

The case for women having independent land rights, according to Professor Agarwal, rests on four pillars: welfare, efficiency, equality and empowerment.

Welfare

Dr. Agarwal argued that, for a start, across most of South Asia, women are much more dependent on land-based livelihoods than are men. Over the past 25 years, while male workers have been moving into non-agriculture, women have remained largely in agriculture. In India today, 58 per cent of all male workers but 78 per cent of all female workers are in the agricultural region.

In large parts of South Asia, women's lower mobility, a relatively lesser level of education and fewer investable assets, all act as limiting factors in their entry into viable non-agricultural jobs. At least in the foreseeable future, therefore, for women much more than for men, livelihoods will be linked to access to land.

At the household level, the negative relationship between rural poverty and land access is well established. Apart from direct production advantages through growing crops, fodder or trees, titles enhance bargaining power with employers, help push up aggregate wage rates, and serve as assets for mortgage or sale during crises.

However, for several reasons, according to Dr. Agarwal, land solely in men's hands need not guarantee female welfare.

First, in large parts of South Asia, there is a systematic bias against women and female children in intra-household sharing of benefits from male-controlled resources. This shows up in differential access to basic necessities such as health care, and even food, and is revealed most starkly in female-adverse sex ratios. The bias is strongest in northwest India, Pakistan and Bangladesh, and less stark in south India and Sri Lanka.

Second, women without independent resources are highly vulnerable to poverty and destitution in case of desertion, divorce or widowhood. A study on mortality rates among widows in Bangladesh revealed that those living as dependents of male relatives, other than adult sons, faced a significantly greater risk of mortality than widowed heads of households who presumably had some independent means of subsistence. Case studies from India and elsewhere also indicate that relatives, including sons, often do not provide the expected economic security to widows, many of whom end up living alone.

In contrast, Dr. Agarwal argued, direct land transfers to women would benefit not just the women themselves but the whole family. To begin with, husbands and wives have been observed to differ over the ways in which they spend the income they earn and control. Women in poor households are noted to spend most of their earnings on basic household needs, including food, while men spend a significant percentage of their earnings on personal goods, such as alcohol, tobacco, etc.

Some studies also show that children's nutritional status is much more positively linked to the mother's earnings than that of the father's.

Assets in women's hands make a particular difference. For instance, among marginal farmer households in Kerala, the mother's cultivation of a home garden (the output of which she controlled) was found to have a consistently high positive effect on child nutrition. Moreover, research for several states revealed that children in rural areas are more likely to attend school and receive medical attention if the mother has more assets.

Results from other countries based on large data sets appear to be even more dramatic. In urban Brazil, the effects on child survival probabilities were found to be many times greater when asset income accrued to the mother rather than the father, and the impact on the anthropometric outcomes of daughters was especially high.

Dr. Agarwal also noted that apart from differences in spending patterns, women with land would have greater bargaining power, which would help them negotiate more gender equal allocations in the family and higher wages in the labour market. In other words, women's and children's risk of poverty would be reduced and their welfare enhanced if women had direct access to land, and not merely access mediated through male family members.

Moreover, a large percentage of households (estimates range between 20-35 per cent in India and Bangladesh) are de-facto female-headed. For the women, the need for such direct access is self-evident.

For widows and the elderly, owning land also improves the quality of support from kin. As a study has demonstrated in Karnataka, the elderly often feel that "without property children don't look after their parents well". Agarwal came across similar responses during her fieldwork in northern India, especially Rajasthan. Recent studies also show that elderly women often use their meagre assets to bargain for support from relatives. In other words, owning land can improve welfare not just directly, but also by enhancing a person's entitlement to family welfare.

Bina Agarwal emphasised, however, that she did not see land at present as the *sole* basis of livelihood. Most households, she noted, do not own enough land to subsist on that basis alone. For instance, in Bangladesh, almost 50 per cent of rural households with land have less than 0.5 acres. *But*, she argued, even a small plot can be a critical element in a diversified livelihood system. It can be used for growing trees, or fodder for animals, or even for raising poultry. Some land is usually necessary even for viable rural non-farm activity. Hence, even if the plot is too small for crop cultivation, it can add to other means of earnings. And if used collectively with other small plots it could even be used for crops.

Efficiency

Welfare, Dr. Agarwal noted, is only one part of the argument. As agriculture gets feminised, increasingly larger numbers of women will be left with the prime responsibility for farming but without titles to the land they cultivate; and thus without the incentives and support structures for realising the output potential.

First, take incentives, as Agarwal asserted. Security of tenure is usually seen as critical for motivating the farmer to make productivity-enhancing investments. But there has been little discussion of incentives within the household. Some recent studies suggest that disincentives can exist equally within the family.

In Kenya, the introduction of weeding technology for maize cultivation raised yields on women's plots by 56 per cent where women controlled the output, and only by 15 per cent on the men's plots where too women weeded but men benefited from the proceeds. This suggests that secure land rights, and control over the produce, can be important for motivating even family women to put in their best effort.

Similar studies of the gender-specific productivity effects of incentives are needed for South Asia.

Second, recent research suggests that women might use land more efficiently than men in several contexts. In Burkina Faso, for instance, owing to their choice of cropping patterns, women achieved much higher values of output per hectare on their own plots than did their husbands on theirs. There are also examples from India of women's groups producing significant output on land left fallow by male owners.

Third, Dr. Agarwal argued, women are often better informed about traditional seed and tree varieties, and in the hill and tribal belts are the main seed selectors, as Meena Acharya and Lyn Bennett found in Nepal. Such knowledge would enable more bio-diverse production if women had greater control over farming and decision-making. Moreover, having women operate as farm managers would make for a more talented and better informed pool than one comprising only men.

Fourth, titles (which serve as collateral) will contribute to improving women's access to production credit. This can prove especially critical where women are the principal farmers, as in areas of high male out-migration.

Fifth, there is emerging evidence that a more gender-equal distribution of inputs could enhance output. The earlier mentioned study for Burkina Faso estimated that output could be increased by 10-20 per cent if some of the fertilizers overused by men on their plots were reallocated to plots controlled by their spouses. More generally, a recent review of research covering several countries concludes that output could be notably increased if women had the same access to inputs as male farmers.

Sixth, the importance of the effect of titles in empowering women to assert themselves better with agencies that provide inputs and extension services cannot be over-emphasised. At the moment, most infrastructure support for farmers is oriented toward men.

Professor Agarwal observed that while arguments for women's land rights have gained some entry into public policy discourse, these are mainly couched in terms of welfare improvement in the context of poverty, and sometimes in terms of gender justice. There is yet little recognition of the

potential efficiency benefits.

If an increasing number of future farmers are likely to be female, then women need to be central and not marginal figures in policies relating to increasing agricultural productivity.

Agarwal noted that some people oppose women's land claims on the grounds that it will reduce output by increasing fragmentation of landed property. However, existing evidence on South Asia (including India and Bangladesh) gives no reason to fear an adverse size-productivity effect. And fragmentation can arise equally with male inheritance. Also, where needed, farmers have dealt with fragmentation in various ways. Land leasing arrangements help consolidate cultivation units, even if the ownership units are dispersed. In India, consolidation efforts by farmers and by the government have notably decreased the number of fragments per holding from 5.7 in 1960 to 2.7 in 1991.

Equality and Empowerment

The third reason for promoting women's land rights, according to Dr. Agarwal, is equality. For a start, gender equality in rights over productive resources is important in itself as a measure of a just society.

But fourth, and just as important, is the link between equality and empowerment. Entitling women with land could on the one hand empower them economically, and on the other hand strengthen their ability to challenge social and political gender inequalities, both within and outside the home.

A telling example is that of the Bodhgaya peasant movement in Bihar in the late-1970s, in which women and men of landless households jointly agitated for ownership rights on land they cultivated, which was under the illegal possession of a local temple-monastery complex. In the course of the movement, women demanded independent land rights, and secured them in two villages, with marked implications.

In many villages where only men got titles there was an increase in drunkenness and violence and threats expressed in incendiary language ('Get out of the house! The land is mine now!'). Where women got titles they could assert: 'We had tongues but could not speak, we had feet but could not walk. Now that we have the land, we have the strength to speak and walk'.

Outside the household again, land rights are found to empower women by improving the treatment they receive from other villagers; and by increasing their access to rural decision-making bodies as well as to farmers' institutions.

Women's Land Rights in South Asia Today

Women can come by land in mainly three ways: inheritance from families; transfers from the state and purchase or lease from the market.

Of these, inheritance is the most important, since in South Asia most arable land is in private hands. In India, about 86 per cent of arable land is private and 89 per cent of rural households own some land. Although most hold small plots, access to this land is mainly through inheritance.

Traditional inheritance in South Asia has been predominantly patrilineal. The significant exception at the country level is Sri Lanka where the majority Sinhalese community and the Jaffna Hindus have followed the bilateral tradition (that is both sons and daughters inherited). Sri Lankan Muslims have been mainly matrilineal. In addition, there used to be pockets of matrilineality in parts of India, mainly Kerala and Meghalaya.

Today, in legal terms, women's inheritance rights in South Asia are governed by personal laws which vary by religion and region. These laws give most women much greater inheritance rights than did custom, but significant inequalities remain. Since the laws are complex and varied, there is little need to detail them. The important point is that the majority of women among both Hindus and Muslims face two types of inequalities:

1. Lower inheritance shares than males
2. Special disabilities in relation to agricultural land.

For instance, Hindus in India are governed by the Hindu Succession Act (HSA) of 1956. Under this Act, although daughters and sons are given the same rights in the father's separate property and in his share in the joint family property, daughters, unlike sons, do not have independent shares in the joint family property. And certain categories of agricultural land are governed not by the HSA but by tenurial laws. In many states these tenurial laws specify an order of devolution where four generations of men in the male line precede the widow and daughter. Over the past few decades, the southern and some western states have amended the law to make it gender equal, but inequalities persist in the North Indian states.

Again, for Muslims in undivided India the Shariat Act of 1937 substantially improved women's rights. But inequalities in male and female shares remained. At the same time, the Act left out agricultural land from its purview, the inheritance of which was to be governed by local custom and tenurial laws which were highly gender unequal. After Independence, the South Indian states and also the western part of pre-1971 Pakistan amended the 1937 Shariat Act to include agricultural land. But North India remains highly gender unequal.

Interestingly in eastern India and Bangladesh, customs at variance with the Shariat Act were not being enforced even before the Act. Hence here the Shariat Act also applied to agricultural land. However, even in Bangladesh, the basic inequality in shares between women and men persists.

The closest one comes to gender equality in inheritance laws in South Asia is among Parsis and Christians in India, and among most communities in Sri Lanka and Kerala.

Women's Land Ownership in Practice

Dr. Agarwal argued that rights in law are only part of the picture. Equally critical is the gap between law and practice. What is the situation in practice?

Unfortunately, Agarwal noted, large-scale economic surveys on land ownership typically do not collect gender-disaggregated data. She therefore had to glean information from numerous village studies and a recent sample survey. These pieces of evidence show that most South Asian women do not own land, and even fewer exercise effective control over it.

For instance, a 1991 sample survey of rural widows in India by Marty Chen found that only 13 per cent of women with landowning fathers inherited land as daughters, and only 51 per cent of widows with landowning husbands inherited any. Thus 87 per cent of daughters and 49 per cent of eligible widows did not inherit. Also, the widow's land is usually registered jointly with that of adult sons and effectively controlled by them. Widows without sons rarely inherit. Moreover, widows constitute only a small percentage of rural women – only about 9 per cent in India. A mere recognition of widows' rights alone therefore cannot make up for their disinheritance as daughters.

What Prevents Women from Realizing their Legal Claims?

The enormity of women's disinheritance obviously cannot be explained by unequal laws alone. In fact, as Dr. Agarwal observed, underlying both unequal laws and the vast gap between law and practice are social norms, entrenched claims among men, and administrative bias.

Agarwal raised the question of the gap between legal rights and actual ownership. First, in most traditionally patrilineal communities, there is reluctance to admitting new contenders to this critical form of property. In addition, there is a structural mismatch between contemporary laws and traditional marriage practices. Among traditionally matrilineal and bilateral communities, where women had strong land rights, a daughter's residence after marriage in her parental village was virtually a necessary condition for recognising her claim. This kept the land under the purview of the natal family. Close-kin marriages also served this purpose.

However, today's laws recognise a daughter's claims even among former patrilineal groups and where daughters move to other villages. This mismatch between contemporary laws and traditional marriage systems is greatest among upper-caste Hindus of northwest India, who forbid marriages within the village or with close-kin - conditions under which any land inherited by a daughter could be lost to her natal family. Opposition to the daughter's inheritance is strongest here.

Opposition is less pronounced in regions such as south and northeast India where in-village and close-kin marriages are allowed, and parents can seek economic support from married daughters during crises.

Agarwal noted that many women also forgo their shares in parental land in favour of brothers. In the absence of an effective state social security system brothers constitute a form of traditional potential social security, especially in case of marital breakup. In actual practice the likelihood of a brother welcoming a sister, whose marriage has broken down, for an extended period is rare. One would thus expect that an effective social security system would reduce this dependence and increase women's ability to claim their share.

Cultural norms, including the expectation that a "good sister" will forfeit her share, also discourage women from asserting their rights.

Where women do not voluntarily forgo their claims, male relatives with strong prior entrenched interests in land, file court cases, forge wills, and use threats and even physical violence to discourage women from pursuing the claims.

Finally, government functionaries compound these problems and often obstruct the implementation of laws in women's favour. The bias is most apparent in the recording of daughters' inheritance shares by village officials.

What Underlies the Gap between Ownership and Control?

Professor Agarwal then analysed the gap between ownership and effective control. She outlined several reasons for this.

Marriages in distant villages make direct cultivation by women difficult. This is compounded in many areas through social restrictions on women's mobility and public interaction.

The ideology of female seclusion operates in complex ways and is more widespread than the practice of the veil. It defines women's behaviour, and genders public and private space. In most

villages of north India, Pakistan and Bangladesh, women are expected to avoid spaces where men congregate, especially the market place.

Territorial gendering of space affects a woman's physical mobility and participation in activities outside the home, be it fieldwork or market interaction, and disadvantages her in seeking information on new agricultural technologies and practices, purchasing inputs, and selling the product. All this limits her ability to farm independently and attain maximum productively.

In illustration, Professor Agarwal showed a transparency with two maps, one depicting variations in purdah practices and the other variations in female labour participation in agricultural work. She noted that purdah was strongest in Northwest India but virtually absent in the south and northeast. In Nepal, where seclusion is not practised among most communities, women participate substantially in farming decisions. The north versus south/northeast contrast is found also in female labour participation in agricultural fieldwork.

Other important constraints are women's lesser access to agricultural technology owing to their limited control over cash and credit, gender biases in extension services, and ritual taboos against ploughing.

Regional Effects Taken Together

However, Dr. Agarwal pointed out, the social norms and institutions that constrain women in claiming and controlling landed property vary region by region. They disadvantage women more in certain regions than others.

Agarwal noted in broad measure three regional bands in terms of the degree of opposition women are likely to face toward their land claims:

- Sri Lanka and South India are the areas of least likely opposition;
- Northwest India, Pakistan and Bangladesh are the areas of most opposition.
- Nepal, northeast India, and central India come in-between.

Pakistan and Bangladesh have positive features on some counts but these are substantially negated by the strength of female seclusion norms.

Land Reform and Public Land

So far, Dr. Agarwal noted, she had focused on inheritance and private land. The second source of land for women is through the acts of government. But gender bias is also apparent in public land

distribution. Although the amount of arable land in government hands is limited, it is land on which the state has direct control; and state policy influences social norms. Typically, governments allot land to male household heads, be they schemes of land reform, poverty-alleviation, or resettlement.

In particular, Professor Agarwal noted, land reform programmes across the political spectrum have ignored women's concerns. Even the *Operation Barga Programme* in West Bengal— a significant land reform initiative undertaken in the late-1970s for the registering tenants and giving land to the landless -- strongly favoured men.

A village study in Midnapur district found that 98 per cent of the holdings distributed under *Operation Barga* in this village went to men. In 90 per cent of female-headed households the land went to the women's sons. No married women received joint titles. The possibility that poor widows who were leasing out their land might lose control over it, was set aside with the dismissive argument: 'The number of such widows left alone without any adult male relatives looking after them cannot be very large'.

In other words, even this land reform carried out by a left political party endorsed women's dependence on male relatives. More generally, government land policies assume that men are the breadwinners and women the dependents. The legitimate claimant of land is thus seen to be the male head of the household.

In addition, there prevail incorrect perceptions about women's lack of capability. Dr. Agarwal cited the example of Meghalaya. Here, when she asked officials why even in a matrilineal society they did not allot land to women, she was told: "Women can't come all this way to fill out forms". Yet in the nearby street the traders were mostly women!

What Can be Done?

Professor Agarwal emphasised that to improve the situation there was need to improve women's access to land on all fronts: inheritance, government transfers, and land through the market, linked with alternative institutional arrangements for cultivation.

Improving access via inheritance, she argued, would require both legal and social changes.

Legal Interventions would include several elements: One, inheritance laws need to be made gender equal. Two, legal literacy is necessary to make laws effective, perhaps even as a part of the school curriculum. There is also need for ensuring the recording of women's land shares by the village official, and legal support and advice in case women wish to contest their claims.

Socially, a change is critically needed in attitudes toward daughters inheriting property. Unless women's claims begin to be seen as socially legitimate, parents can and will use the right of testation to disinherit daughters even if the laws are made fully gender-equal. Also for women not to forgo their claims, dependence on brothers needs to be reduced by strengthening extra-family economic support for women.

Equally, Professor Agarwal argued, a change is needed in perceptions about women's appropriate roles and abilities, and in social norms that restrict their public mobility and interaction. For instance, the problem that marriage outside the village poses for women arises only partly from the distances involved and a good deal from social attitudes. Men are seldom denied their property rights even if they migrate outward to distant parts.

In terms of land via state transfers, Dr. Agarwal noted, there is the important need to see women not as dependents but as significant props to the family's economic well-being. Additionally, there is the need to discard the notion of the harmonious male-headed family in both economic analysis and policy, and recognise the family for what it is: a unit of both cooperation and conflict, of both sharing and selfishness; where men and women can have different interests; and where allocations are often unequal and affected by differential bargaining power.

Agarwal noted that if public policy were based on more realistic assumptions about family behaviour, then the logic of transferring land to women as well, for reasons of both welfare and efficiency, would be self-evident.

Most importantly, given that there is very little government land available for distribution, it is necessary (a) to think of ways by which women can access land via the market; and (b) cultivate it not individually but collectively.

Public policy assumes and promotes only farms that are owned and cultivated on a family basis. The same approach is replicated in the rare cases when land is given to women. For instance, the emphasis so far has been on giving poor women joint titles with husbands. While joint titles are better than having no land, joint ownership with husbands also has several potential problems. Women find it difficult to gain control over the produce, to bequeath the land as they want, and to claim their shares in case of marital conflict. Most of all, it constrains women from exploring alternative institutional arrangements for cultivation and management.

What are the Alternatives?

Professor Agarwal noted that there were several alternatives to the conventional model of family

based farming. One alternative would be for women who own individual holdings to invest in capital inputs jointly with other women, while managing production individually. Male farmers have done this in many regions: for instance those with contiguous plots sometime jointly invest in a tubewell. This reduces the individual cost of lumpy investments.

A second type of arrangement could be for women to enter the private land market, purchasing land jointly, owning it individually, and farming it collectively. One of the most interesting attempts at this has been by the Deccan Development Society (DDS), an NGO working with poor women's collectives in 75 villages in Medak district - a drought-prone tract of Andhra Pradesh.

Catalysed by DDS, women have used a state government scheme which provides subsidised loans to landless scheduled caste women for buying agricultural land. Women buy the land jointly and divide it among the group members, with each woman registered as the owner of about one acre. However they cultivate the land collectively, using organic farming techniques. In the process of working together, women have learnt to survey land, hire tractors, travel to towns to meet government officials, obtain inputs, and market the produce.

A third possibility lies in enabling women to lease in land as a group and cultivate it jointly. Under one of DDS's programmes, women in Andhra Pradesh are leasing in land from private owners. In some cases, women's groups have used loan money available via the government's poverty alleviation scheme for women and children for this purpose. Initiated in 1989, the programme now covers 800 acres across 56 villages.

Women's committees keep records of each woman's work input, and ensure equitable distribution of wages and produce. Women who do not turn up for collective labour are subject to fines, decided at the group's weekly meeting. In 1995 each woman participant was able to get enough cereal and pulses to feed the whole family for a month, in addition to harvest wages. Government loans have seldom been used so innovatively.

Equally innovative is the formation by DDS of some land lease groups comprised entirely of single women (those widowed, divorced, or deserted). This is in recognition of the fact that such women seldom get ready family support. This constitutes a very different approach toward marital breakdown than that of male dependency embedded in the government's social security and land reform schemes.

Examples of NGOs encouraging land leasing by women's groups are also to be found in Kerala and Bangladesh. BRAC is one powerful example. Agarwal cited among many others.

A fourth institutional arrangement, also illustrated by DDS's experience, is of women's groups overseeing cultivation on land owned by male farmers. Much of this was very poor quality ceiling surplus land distributed by the government to landless men. The land remained largely fallow, while the families depended heavily on the public distribution system (PDS). DDS persuaded the state government to provide some of the money it spent on subsidising PDS to the poor farmers, under the supervision of women's committees.

The farmers contribute part of their harvest to the community grain fund in repayment for the support. Committees of women extend the loans to the farmers, ensure its proper use, and collect a harvest share for a *Community Grain Fund*. This grain is sold at a low price to the poorest households in each village. This thus serves as an alternative PDS. This project is now working in 32 villages, covering some 2675 acres and 1720 marginal and small farmers, and is estimated to have produced about 700 tonnes of extra grain.

A fifth arrangement could be one which Dr. Agarwal said she had also suggested in her book on land rights, but for which so far she had not found a ground example. Under this arrangement poor rural women would receive land as a group. Each woman in the group would have the right to use but not the right to dispose of the land. The daughters-in-law and daughters of such households who are resident in the village would share these use rights. Daughters leaving the village on marriage would lose such rights, but could establish them in their marital village. Also they could reestablish their rights in their parental village should they need to return there, say on divorce or widowhood. In other words, land access would be linked formally with residence and working on the land, as was the case under some traditional systems when land was held by clans.

Agarwal pointed out that there are several important ingredients in these success stories. Some of these - the presence of a gender-progressive NGO, the use of a group approach, and a focus on landless women - are found in many stories of poor women's economic betterment. Dr Agarwal pointed out that what is uncommon about the cases she had highlighted is the fourth ingredient - their focus on land for women, as opposed to the typical and usually less profitable micro-credit linked income-generating activities promoted by the government or most NGOs.

These institutional alternatives according to Professor Agarwal provide a solution to several difficulties women face in accessing and cultivating land. They show how women can obtain land not only via inheritance, but also through the market - access which women operating as individuals rarely possess. And where linked with land pooling, joint investment and collective management, these arrangements overcome problems of small size and fragmentation. Given the small size of holdings in many parts of India and Bangladesh, such pooling arrangements are also worth

promoting more generally.

A collective approach also helps women mobilise funds for capital investment, take advantage of economies of scale, and cooperate in labour sharing and product marketing. In fact, in many of the examples noted, they have helped make hitherto fallow land productive. And if the land is also jointly owned (as suggested in the fifth type of arrangement) this would strengthen women's ability to withstand pressure from male relatives and retain control over the land; and it would bypass the problem of who would inherit, since the women's group would have use rights but not rights of alienation. It would also bypass the problem of outside-village marriages, since women's rights would be established by residence.

So far, Dr. Agarwal noted, she had been discussing crop cultivation by women's groups. But, she said, women's groups are similarly important in the management of the commons and degraded forests. There are several success stories of women's groups planting and protecting trees collectively.

Conclusion

Professor Agarwal emphasised that none of the needed changes will take place automatically. In the examples noted, the success stories emerge from various forms of collective action by gender progressive groups and coalitions. Women's groups in several parts of South Asia have been carrying out campaigns for legal equality in property rights. But to go beyond the law and change social practice will inevitably be a long-term process.

Attempts are apparent in pockets at the local level. But to become a truly powerful force, there is need to strategically come together nationally.

Certainly, she said in conclusion, the time has come to fulfill the demand posed by poor women farmers in many parts of South Asia: "Why don't we get a title? Are we not peasants?"

(iii) Discussion

Initiating the discussion on Dr. Agarwal's theme, Professor Rehman Sobhan said Professor Bina Agarwal's presentation was most stimulating and had set out several challenging ideas. It was proposed that the discussion be structured around four broad points:

- ◆ Land for men, only micro-credit for women?
- ◆ How to bring about gender equal inheritance laws in Bangladesh?
- ◆ How could the gap between law and practice be bridged?
- ◆ What were the prospects for women's access to land through the market?

Professor Sobhan suggested that it would be logical to first identify a mechanism for vesting land in women before examining the legal and social constraints to this process in the specific context of Bangladesh. Then the discussion could take up the processes for enabling land transfers to women, such as through the land market, the credit market, land reform, et cetera. Professor Sobhan also remarked that whilst Dr. Agarwal's presentation covered the whole of South Asia, the discussion should concentrate on the specific circumstances of Bangladesh while also drawing upon the South Asian experience to examine the implications of moving in particular directions. Setting out the first proposition, Professor Sobhan asked whether in Bangladesh one was in a position to design instruments, including micro-credit, to ensure Bangladeshi women's greater access to land.

Responding to Sobhan's remarks, Mr. Shamsul Bari of Grameen Trust noted that the greatest barrier to women accessing land in Bangladesh was neither the law nor practice, but people's mind set. He said that the discussion should address the issue of correcting people's mind sets. Responding to this, Professor Sobhan remarked that by mindset he was perhaps referring to the political economy of the whole issue which could be included in the discussion of operational measures. But for the moment attention should be focused on identifying the ways in which the land transfer mechanism could proceed.

Micro-credit vis-à-vis Land for Women

Ms. Shirin Huq of *Naripokkho* at this point noted that there was no reason why micro-credit could not be used for providing land to women, given that it was used for facilitating the procurement of other inputs such as irrigation. The problem would be establishing a model of repayment in micro-credit operations, where weekly repayment schedules are followed. Without such a model the financing institutions would not have funded the procurement of inputs, for either men or women. Nonetheless, these could be changeable. If there is a will, stated Ms. Huq, it is possible to utilise micro-credit for acquiring productive assets for women and men. She reiterated Dr. Agarwal's concern about land transfers to the next generation after women acquired land. Given the nature of inheritance laws, how could it be ensured that the land remained with women in the following generation? In this context, Ms. Huq observed, the four questions posed at the beginning of the discussion were interlinked, and a multi-pronged approach was needed to address the issue of land for women.

Dr. Hossain Zillur Rahman of the Bangladesh Institute of Development Studies, drawing on Professor Agarwal's presentation, emphasised five areas of intervention. These, he said, are inheritance laws, social attitudes, women's awareness of their legal rights and state land distribution, and recognising women as producers, especially through farming collectively. On

the first three areas of intervention, Dr. Rahman had no substantive disagreement. They are relatively well understood but very difficult to implement. Land distribution by the state is one area where more attention is possible. He added that Bina Agarwal's analysis was much stronger than her last two policy suggestions. Dr. Rahman further observed that as a general point there is the danger of over-focussing only on issues of entry – for instance entry in the sphere of land at the cost of elaborating on new functional roles for women. He cited the example of elected female representation at the Union Council level in Bangladesh where much effort was made to ensure women's entry, without appropriately defining the roles these representatives were to play. Dr. Rahman drew attention to this as a general point in gender analysis; he felt that functional roles needed to be defined for women to participate actively and fruitfully. He also felt that a major task would be establishing women as producers, and not just as landowners. Terming Dr. Agarwal's proposition about group management of land as a "slightly romantic idea" Dr. Rahman said that even such collective participation could not exhaust the search for new roles. It might be useful to look for functional role with high future prospects. For example, in the context of Bangladesh women could spearhead a new agricultural movement like eco-friendly agriculture, and thereby find a new functional role.

Making Land Rights Effective

Replying to Dr. Rahman's comments, Dr. Agarwal said that there are many interlinked issues for enhancing women's access to land. She explained that her presentation focused not only on the ways in which women could acquire land, but also on how their land rights could be made effective, including how women could have more control over the land and over production processes. About functional roles, Dr. Agarwal added that women are already active in agriculture, and additional roles get defined as they get involved in new activities. But in the provisioning of infrastructural support for agriculture, women are not recognised as farmers. Therefore, it is important to examine how women could become more productive farmers. Women also need more space for participating in activities other than farming. And in both cases, the group approach could help.

Professor Rehman Sobhan identified one immediate issue that called for analysis. Apart from micro-credit being used as an instrument to access land, presumably there is a great deal of land under government control in the form of *khas* land. The question is how far can the legislative order dealing with *khas* land allow the distribution of land to women. Since, in theory, the government is committed to distributing *khas* land to landless households, presumably a gender concern could be introduced into the programme, assuming that the government was willing to go ahead with the programme, locate enough *khas* land, get it back from those who currently hold it illegally, and then hand it over to women either as individuals or groups. But on the role of micro-credit Professor Sobhan invited M Aminul Islam of BRAC for his comment.

Micro Credit and Land Rights

Mr. Islam spoke about the relevant agricultural programmes that BRAC has been organising for women. There were four types of programmes: (1) providing credit to enable women to lease in land from private owners; (2) providing credit for production purposes with a three month grace period so that they could start repaying the loans as they harvested their produce; (3) providing credit for leasing in *khas* land from the government (this programme is undertaken in the districts of Sherpur and Mymensingh where there is a great deal of *khas* land lying idle); and (4) BRAC purchasing low quality land and leasing it out to women. The women cultivate the land and repay the loan from the output. BRAC has invested about taka 400 million in purchasing land to lease out to the women. Again, this programme is concentrated in North Bengal where land is cheap. BRAC purchased 300 acres of land and leased it out to 1500 women and also organised about 20,000 women to lease in land from other private owners. In addition, BRAC expanded credit to the tune of taka 400 million to women farmers for vegetable cultivation.

Disadvantages of Joint Titles

Professor Rehman Sobhan then invited A. Mueyed Chowdhury, Chairman, National Board of Revenue, to share his long experience in land administration. Chowdhury pointed out that there was no specific policy on the part of the government of Bangladesh for transferring land to women, but a decision had been made to register land in the name of both husband and wife when transferring land to landless households. Additionally, in settlements of *khas* land, preference was given to female-headed households.

Professor Bina Agarwal, commenting on the issue of joint titles raised by Mr. Chowdhury, noted that joint titles are also being provided in other parts of the world, including India and Latin America. But on the basis of her fieldwork and research she had found that rural women often preferred individual titles. She said that joint titles had at least four disadvantages for women compared with individual titles. One, when land is jointly registered the women cannot exercise much control over how it is used. Two, whenever there is a family dissolution owing to divorce or separation, it is very difficult for women to extricate their part of the land from that of their husbands'. An important reason for giving land to women is empowering them in order to have them face the challenges of such family crises. Joint titles make this difficult in practice, whatever the legalities of ownership. Three, with joint titles women can seldom take any independent decisions in relation to the land. For instance, they are not in a position to join other women for group cultivation or for setting up micro-enterprises. And four, if the man wants to mortgage or sell the entire piece of land, the woman may not be able to stop the transaction. It might therefore be more prudent if the distributed land is registered half in the man's name and half in the woman's name. The husband and wife could still cultivate it jointly if they wished.

Also where there is joint ownership, to protect the wife, and to prevent alienation of land without her consent, the signatures of both spouses should be required.

Mr. A. Muyeed Chowdhury supplemented Dr. Agarwal's comment that only a resolution of the legal aspects might not lead to women's effective control over land, since that depends on how society reacts. Even if there is provision for separate land registration for women, in practice the husband might still retain control of the land. However, he supported the proposal of separate registration in equal parts of land distributed to the family. Dr. Agarwal at this point explained that there are several hurdles to effective control over land by women. Separate registration would only help to overcome one hurdle in this regard.

Ms. Hameeda Hossain of *Ain o Salish Kendra* asked whether the woman can claim her right over fifty percent of the jointly owned land, in case of divorce or separation, if land registration is in the name of both spouses. She thought it would be difficult to ensure women's effective control over her land in that case. Muyeed Chowdhury at this point noted that there is an administrative decision relating to registration of land being in the name of both spouses so that they have equal rights over the land and equal shares in case of separation. He pointed out, however, that this administrative decision needed to be made into a law.

At this point, Ms. Salma Sobhan of *Ain o Salish Kendra* noted the experiences of women in Thailand where women are not segregated from the economic spheres of life. They actively participate in day-to-day economic activities, go to the market place and interact with men in all areas of work. However, Thai women do not have effective control over land. In the context of Bangladesh, Ms. Sobhan noted, even if women are given access to land, it would be extremely difficult for them to actually engage in handling their land all by themselves, and negotiating everything on their own without the support of male relatives. Social attitudes remain an issue of concern, she observed.

How to Ensure Effective Control Over Land for Women?

Although the government had established the norm of distributing land in the name of both husband and wife, Mizanur Rahman of ALR asked how much effective control over this land women had. At the same time, what would be the mechanism for establishing effective control over land for women and how can micro-credit help poor women gain such control?

Professor Sobhan added that the questions being put forward were related to whether Dr. Agarwal viewed women as owners or as operators/tillers when they are given access to land. In response, Dr. Agarwal first elaborated on the issue of effective control over land that had been raised by several participants. She said that the issue of effective control was one of central

concern in relation to land rights for women. Effective land rights means having rights not just in law or on paper, but also rights in practice. And it means not just ownership but also the ability to exercise control over what is owned. In other words, effective land rights imply both ownership and the right to operate the land and take decisions regarding its use. Therefore, the move towards effective land rights is a move towards actual control, which would include the woman's right to decide whether to cultivate or lease out the land, whether to alienate it, to whom to bequeath it, and so on.

Professor Agarwal said the question then is one of how to ensure that women have effective control over their land. But this is a general problem that poor women in this part of the world face, irrespective of their occupation. Even micro-credit does not give them independent control. There are several issues to be addressed here. For a start, one needs to think of institutional mechanisms by which women are able to exercise control over their land and other assets. In credit programmes there are examples of group savings funds where, for instance, if a woman has some savings, she cannot easily be pressurised by her husband to withdraw the savings and hand them over, because withdrawal by one member has to be agreed to by the group. There is, said Agarwal, a need for similar innovative solutions by which women can effectively exercise their land rights and resist pressure from relatives seeking to take over their land. At this point Dr. Agarwal again iterated that organising women into groups was one institutional mechanism that could help protect women's land rights against these kinds of pressures. Further, as such groups gain legitimacy it could change social attitudes and women's status in the family and society. Gradually women in the village would themselves be able to negotiate transactions on their properties. This did not necessarily imply that there would be no need for male mediation in such transactions, but such mediation need not only be through family members. It is also possible that the need for male mediation would decline over time, as gradually women gain the confidence to deal directly with the relevant public institutions. The process of empowerment and gaining effective land rights is thus likely to be a long-term process.

Referring back to the issue of separate registration of land for the husband and the wife, Dr. Agarwal commented that ownership alone might not solve the problem. Referring to a sample study on widows in India, she said that 51 percent of the surveyed women whose husbands owned land inherited the land from their husbands, but they had no effective control over this land. Obviously, access to land would not automatically lead to effective control. But if an institutional mechanism could be set in place, gradually things could improve.

Women and Land, in Bangladesh Context

Professor Rehman Sobhan, seeking to relate the discussion to the Bangladesh context, brought back the experience of BRAC. He inquired if the women who leased in land through BRAC

retained the land. He also asked what they did with the land, and if they actually cultivated the land on their own. In reply, M Amirul Islam of BRAC informed the participants that the women actually did cultivate the land. However, regarding the *khas* land there is no long-term contract between the government and the women's groups. Given governmental delay in delivering the land being leased out to women, BRAC decided to buy large tracts of land and then arrange long-term leasing out to landless women.

At this point Mr. Muyeed Chowdhury argued that BRAC and other NGOs could of course purchase private land and lease it out to women. They could also organise women's groups to lease in land. But he felt that they could consider Dr. Bina Agarwal's recommendations of distributing land to women's groups on the condition that if an individual member withdrew from the group she must transfer her share to another woman, either within or outside the family. If this kind of condition can be established then women's access to land can be sustained.

Professor Rehman Sobhan asked Salahuddin Ahmed, General Secretary, *Swanirvar*, to make his comments on the issues discussed. Mr. Ahmed said that the present situation regarding women's land rights was much better than it was a hundred years back. Even one year of possession is better than no rights at all, since possession is 99 percent of the law. In fact, 60 days of possession is enough, he added. He also affirmed that micro-credit had done a great job in making women in the village articulate enough to talk to a banker and government officials. They are doing it side by side with their husbands and there is nothing wrong in this since it shows family cohesion and harmony. There is no need to have separate registration of land for the husband and wife, since this, he thought, might jeopardise peace within the family. Dr. Agarwal, however, differed from this simplistic view of the family. She said that if there was indeed so much harmony and altruism within the family, then there should be no reservations about the entire land title being given to the woman. The fact is, that tensions do arise in the family, often serious tensions. Giving a woman land in her own right will not only improve her own well-being but the well-being of the entire family as well, since there is ample evidence that assets in the mother's hands are more likely to be used for the welfare of the children than assets only in the father's hands.

Ms. Roushan Jahan of Women for Women, in her brief review, said that in Bangladeshi women may not always speak out about the hardships and troubles they face. But it is during some critical moments of their lives that their ownership of assets and resources becomes very important. And land is still *the* most important asset in our society. Therefore, registration of land separately in the name of women should be carried out. This would help to change things on the ground.

Underplaying Heterogeneity

Dr. Shapan Adnan of RAS identified a number of issues that he felt should be addressed further. One was the difference and heterogeneity among women which he thought had been somewhat underplayed in Dr. Agarwal's presentation. For instance, for sustaining women's access to land through the generations, would a woman bequeath her land to her daughter(s)-in-law, given the ancient rivalry between the mother-in-law and the daughter-in-law? Dr. Adnan also indicated that problems of collective action could arise, for example, between groups of male irrigators and groups of female irrigators. He further pointed out that in Bangladeshi society there were many examples of women owning much property in *Benamdari* (incognito), not only in the villages but also in the towns. But the actual control of the land lies with the dominant males and patriarchs who use the women's names on paper to retain additional property which they are not legally entitled to. He felt that the real problem was that of power differential between women and men. Adnan said that unless the power-differential problem is recognised and leads to appropriate policy responses, mere legal reforms might not take us too far.

Professor Rehman Sobhan then sought the opinion of Barrister Amir-ul Islam on the practical implications of transferring land to women and how women could retain land in the next generation.

Inheritance Rights for Women

Barrister Islam responded by commenting on women's inheritance rights in different legal systems. He said with Hindu law it is easy to change the rules. Even the Nepalese High Court could say that the *Mulki Ain* is *ultra vires* of the constitution. Where the Bangladesh constitution is concerned, Article 26 would say that with the commencement of the constitution all the laws which are in conflict with fundamental rights would become void. So if one interprets Article 27, which is the equality clause similar to Article 14 of the Indian constitution, one would say that men and women should be treated equally before the law. When one comes to Article 28, which is similar to Article 15 of the Indian constitution, in talking about women's rights it addresses mostly issues like public employment and does not deal specifically with inheritance. And Article 42 talks about enjoyment of property, the right to dispose off and transfer property, etc. Therefore, if one goes to the court, and knowing the courts as they are, the court will say that people have equality before the law. This would mean all Muslim women are equal and all Hindu women are equal, and they are subject to their respective laws. But the courts will not interpret the equality article as one would want them to.

Barrister Islam noted that in the Holy Quran there are two places where it has been said that God loves those who make a will. So will and gift can be encouraged. It is possible to think of a

law which would be very simple whereby such wills can be registered with the Union Council or at similar levels of the administrative strata. Through raising consciousness a day would come when people would say that what is written in the Holy Quran is merely an illustration and not an eternally valid rule, and so women can also have land. Therefore, on the one hand one can encourage such consciousness efforts in society and on the other simultaneously pursue the equality concept in the constitution most rigorously.

Barrister Islam in the added that with regard to women's access to land through the market it would not be possible to carry it out without external institutional support, as was provided in the BRAC model. Most *khas* land in Bangladesh is in fact under the occupation, possession and use of some powerful people in the area. Therefore, there is little possibility of women enjoying *khas* land, particularly the poor. What might be useful in providing land to women is coming up with institutional support similar to the BRAC approach, a micro-credit-like combination of market and institutional support, in effect an entire package. He also emphasised the critical importance of women's ability to control the land. It is becoming increasingly difficult, particularly in Bangladesh, given the deteriorating law and order situation, to hold onto land without some muscle power. It would therefore be very difficult to allow women access to land without enough institutional support from the government, the local bodies, and the NGOs. However, Mr. Zafrullah Chowdhury of *Gono Shasthya Kendra* noted that BRAC has not been attempting to make women owners of the land; rather BRAC is only leasing out land to them. If this trend continues then BRAC itself might come out as a new *Jotedar* in North Bengal. Also regarding the suggestion that *khas* land should be given to women, he asked what would be the incentive for women to make appropriate use of the land. Mr. Chowdhury suggested that peasant women's organisations should be formed so that the organisations truly represent the women's interests and ensure that institutional support is provided to the right group.

Urbanization Undermines Ownership

Professor Sobhan then asked whether law and order in relation to land is an operational problem throughout rural Bangladesh. Mr. Muyeed Chowdhury explained that in fact it is a major problem in the urban areas. In rural areas this would not be a major problem since most *khas* land and other similar properties would be acquired by government agencies. Barrister Islam, however, differed. He said that land ownership has been undermined through the processes of urbanisation and industrialisation. In regions like Sathkhira and Paikgacha, the marginal landowners sometimes became slaves on their land. In areas of large irrigation, shrimp culture, etc. they are bound to surrender their land to the large landowners to be used under the latter's command. Urbanisation has also been posing similar problems.

Rich Women, Poor Women

With regards to the issue of class Ms. Hameeda Hossain noted that there is the possibility that women from richer classes would dominate women's organisations in the collective farming groups that Dr. Agarwal had proposed. The class aspect within the women's group should be appropriately looked into, so that the interests of poor women are not forfeited by the dominant class.

In response to these comments, Dr. Bina Agarwal said that the nature of the collective farming that she had talked about in her presentation involved poor women who were actually working on the land themselves; and under the subsidised credit scheme of the government only groups of poor landless women can get credit for land purchase or leasing-in. So the question of rich women coming in and dominating these collective farming groups does not arise, in the type of examples that she gave.

Empowerment: A Process

While replying to Dr Muyeed Chowdhury's queries, Agarwal said that an incentive problem does not arise in the women's groups as the entire produce is distributed among the group members. There should therefore be no disincentive problem in such a model. However, another important issue which she felt needs clarification is that women's struggle for land is actually part of the *process* of women's empowerment. The idea is not just to hand over some land to women. There is process of struggle involved in gaining access to that land. That in her view is the basic problem with one element of the BRAC approach. What BRAC is doing is purchasing land and then giving it to the women to cultivate, whereas in the examples that she gave during her presentation women actually put in effort themselves to get the land. They learn to survey the land, to organise the cultivation process, go to government offices for procuring inputs, and so on. In the process some women also emerge as leaders. All this is part of the journey toward empowerment. And one can find the positive fall-outs of this not only in terms of improved livelihood options but also in terms of greater political voice in the local councils. The problem with much of the micro-credit approach is that it forgets that empowerment is a process and not just a matter of gaining a portfolio of material assets. Hence there is a notable difference between an approach where women are given land and extended micro-credit for tilling it, and an approach which encourages the women to themselves come to the forefront and seek to solve their own problems. Here the NGO plays an important supportive role but does not do all the work for the women. Cases in point are the *Deccan Development Society* in Andhra Pradesh in India or *Nijera Kori* in Bangladesh.

At this stage Professor Sobhan enquired whether the implication of this observation is that in the event of someone providing the women with something for which they did not struggle, it would have a disempowering effect. Dr. Agarwal responded that it would not disempower women since at the very least it would create an employment option for them, but it would not do much to empower them either. On the issue of *khas* land, she argued that such land needs to be seen differently from other types of land. Where there are no definitive and established property rights on the ground, as is often the case with *khas* land, women would need some external institutional support from both within and outside the government. But for land leased or purchased from the market where there are established property rights, the issue is somewhat different. There need be no law and order question in such cases as it would only be a transaction between two private parties. The issue of law and order tends to arise more when new property rights are being established and existing property rights are weakly defined or undefined.

Professor Sobhan then clarified his position. If one accepted Dr. Agarwal's suggestions and a sensible government with support from sensible NGOs decided to provide land to groups of poor women, then would the women be able to protect their land? In this case they get access to land not through any struggle but through enlightened policy and enlightened NGO activism, and the crucial point is whether the women are able to retain their entitlement without support against any law and order problems. Dr. Agarwal continued to differ. She thought Bangladesh's law and order was surely not in so bad a shape as was being suggested, that everyone had to have muscle power to retain his or her property rights in all circumstances. This may be the case with *khas* land but not with all land. Again Professor Sobhan asked what would happen if the private landowners declined to lease out their land to women's groups. Dr. Agarwal refuted it by saying that the available data indicated that large amounts of land are leased out in Bangladesh each year, and one should not automatically assume there would be a law and order situation when it comes to land leasing transactions with women's groups.

Muyeed Chowdhury clarified that the problem in the BRAC initiative is that they are looking for large tracts of land for cultivation in the hill areas of Sherpur and Jamalpur. If it were the common plains land, accessing it would not give much trouble. The hill lands, though owned by the government, are treated not as *khas* land but as reserve forests which are governed by different laws. Dr. Shapan Adnan identified the crux of Dr. Agarwal's arguments somewhat differently. He said that what Dr. Agarwal was emphasising was that spoon-fed rights to land for women would not produce the intended results, since such initiatives would contribute little to empowering women. Considering Bangladesh Professor Sobhan commented that modern poverty discourse is based not on class struggle but on enlightened governance. Hence in the absence of any vigorous initiative, the NGOs here are taking a soft route to women's empowerment.

Dr. Adnan supplemented this point. He said the entire micro-credit approach was ostensibly aimed at empowering the poor. The women, and more generally the landless poor, did not acquire this land through struggle. So they would have to follow the membership rules of the relevant NGO. He said although he is not in a position to explain the analytical reasons behind this, the evidence on the ground reveals that this approach does not produce the kind of empowered women one would have intended. Rather it produced a disciplined membership which is not the starting point for women's empowerment. Sharing the experience of the *Deccan Development Society*, Dr. Agarwal said that the NGO's approach should be one of supporting women's groups from behind, and not of being a big brother who does all the mediation and stays in the forefront.

Assets in Women's Hands

While summarising Dr. Agarwal further clarified her position and said that her concern is not micro-credit or land in itself. These are means to an end. The aim is especially poverty alleviation and women's empowerment. She said it was important to begin with the assumption that for alleviating poverty it was necessary to create assets in women's hands. Taking this as a general proposition, the position would improve further if women had more equal rights to land. The question then is one of how women would get access to land. There are three main ways: through inheritance, government transfers, and the market. The most important is inheritance, since most land is privatised and land obtained via other means will also be subject to inheritance for the next generation. Then there are the various ways by which government gives out land to landless people. If the government gives land to individual families, then the land should be registered in the name of both spouses, separately if possible. But even that is not sufficient since the land essentially remains under the control of the family. And finally, we can think about land through the market. For this option to work for women, we need to think about linking it with other institutional arrangements, such as joint investment in capital inputs, and even joint cultivation by groups of women. Functioning in groups can help because women seeking to cultivate land on an individual basis often face pressure from the husband or relatives. Also they cannot take advantage of economies of scale and many lack the self-confidence to operate the land on their own. In fact whether women obtain land via inheritance or from the government or through the market, they are more likely to be able to manage it as farmers if they operate in groups.

Continuing, Dr. Agarwal said her second important point is that since micro-credit has expanded so enormously, and since all farmers require credit because of the nature of production process, we might consider looking for ways of linking micro-credit and land. There are a number of possible ways this can be done. Credit can be given productive investment and inputs to groups

of women who were involved in cultivation. Or it could be extended to women to purchase or lease in land and cultivate it in groups. She was not advocating that the NGO should purchase land and give it to the women. An NGO should just be a facilitating force in this regard.

Professor Sobhan wanted to further clarify the operational aspects of the propositions made by Dr. Agarwal. Suppose that an NGO forms a group of five women. Now five women might buy rickshaws, or cows, or they might buy land. He asked whether the NGO would leave the choice to the members. Dr. Agarwal replied that she was not concerned with how micro-credit per se should be disbursed, since micro-credit in itself was unlikely to go far in alleviating poverty among women. Dr. Agarwal said that what she was opposed to was the idea of an NGO or other organisation purchasing land and then leasing it to women's groups to use. It would be better if the government provided a whole range of schemes, including subsidized credit for obtaining land, and NGOs played a facilitating role in terms of organising women into groups so that they could better avail of the support offered by the government.

Intervening at this point, Dr. Shapan Adnan said that in his understanding the main analytical difference between Professor Sobhan's and Dr. Agarwal's approaches was that in the spoon-fed, NGO-led system, all that the women have to do is follow the instructions laid down by the NGO. As a result the sense of proprietorship as well as the sense of accountability and responsibility does not grow. But if women's groups take the initiative to get land through assistance from NGOs then these qualities would be nurtured and would contribute towards women's empowerment. Thus, according to Dr. Adnan, accountability and proprietorship are the main elements of difference between the two approaches being debated by Professor Sobhan and Dr. Agarwal.

Concluding Remarks by the Chair

Concluding the dialogue, Professor Rehman Sobhan thanked Dr. Bina Agarwal for her illuminating discussion and also expressed his gratitude to the dialogue participants for actively sharing their ideas. He expected that the discussion would not only provide elements for research in the future but also provide direction for development practitioners to follow. He observed that the discussion would contribute in positive ways towards establishing institutional support for providing land to women.

List of Participants
(in alphabetical order)

Mr. Abdul Mueyed Chowdhury	Chairman, National Board of Revenue
Mr. Abul Hossain	Power and Participation Research Centre (PPRC)
Ms. Almas Zakiuddin	Managing Editor, The Independent
Dr. Atiur Rahman	Senior Research Fellow Bangladesh Institute of Development Studies (BIDS)
Professor Bina Agarwal	Institute of Economic Growth, University of Delhi
Ms. Hameeda Hossain	Ain o Salish Kendra (ASK)
Dr. Hossain Zillur Rahman	Senior Research Fellow Bangladesh Institute of Development Studies (BIDS)
Dr. Zafrullah Chowdhury	Gono Shasthya Kendro
Ms. Kate Young	-
Dr. Khaleda Salahuddin	Women for Women
Barrister M. Amirul Islam	Bangladesh Bar Council
Mr. M. Azizur Rahman	The Financial Express
Ms. Maleka Begum	2/8 Lalmatia Dhaka
Mr. Md. Aminul Islam	Director, BRAC
Mr. Md. Shafiullah	ALRD
Mr. Mesbah Kamal	RDC
Mr. Mizanur Rahman Chowdhury	ALR
Mr. Mohammad Kamaluddin	ARBAN
Professor Mustafizur Rahman	Research Director, Centre for Policy Dialogue

Professor Rehman Sobhan	Chairman, Centre for Policy Dialogue
Ms. Roushan Jahan	Women for Women
Mr. Salahuddin Ahmed	Swanirvar Bangladesh
Ms. Salma Sobhan	Ain o Salish Kendra (ASK)
Ms. Serene Ferdous	Prothom Alo
Dr. Shamsul Bari	PRPA, Grameen Trust
Dr. Shapan Adnan	Research and Advisory Services (RAS)
Ms. Shireen Huq	Naripokkho