

Gender and land rights in jharkhand



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Jharkhand was carved out of Bihar and came into being on November 15, 2000. The new state Jharkhand stands for – the land of forest, the name given to the forest highland of Chotanagpur plateau. The land comprises eastern corner of Vindhya mountain series and has distinct cultural identity and abundant natural resources. The state also envelops significant social and political history in its lap. Jharkhand is a medium-sized state in terms of population. The state has three distinct geographical and cultural regions namely- Chotanagpur, Santhal Pargana, Singhbhum.

According to 2001 census the total population of the state is 2.69 crore, with an average annual exponential growth rate of 2.1%. About 28% of the state population is tribal and 12% belongs to schedule caste. At the beginning of the century 60% of the total population of the region was tribal. Jharkhand is possibly India's richest state in mineral resources. The state is quite rich in natural resources including forest that cover about 30% of the total land area. Jharkhand has the potential to develop as the most financially viable State in the whole country owing to its mineral-based resources and the available industrial infrastructure. The estimated rural population is 2,09,22,731 i. e. about 77.75% and urban population is 59,86,697 i. e. 22.25%. Thus, the state continues to be predominantly rural. Population density per sq. km is 338. The state's economy is poorly developed, irrigation network is poor and therefore drought is a periodic threat. The state of Jharkhand has an area of 79,714 sq. km. and a population of 26.9 million. There are 24 districts, 211 blocks and 32615 villages.

Gender inequity is a major human right concern in India. It cuts across all other forms of discrimination and represents an added bias denying women

the freedom to choose the means for their development and growth. Despite Government's increasing concern and endeavour to promote gender equity, the disparities have grown vast and a resulting outcome in the poor socio-economic condition of women. In the context of Jharkhand there exists a major difference in the child sex ratio and life expectancy at birth of the state. An analysis of the census data also reflects the fact that the mortality rates are higher which is indicative of poor health services available to the masses in general.

Social status of Jharkhand women like any other community of India is realized on the traditional patriarchal form which since ages has succeeded in having a control over different areas of women lives. Their role is exclusively defined in terms of household management and matrimonial duties. They are subjected to expectation that they replenish the race by bearing children. For majority of them, life itself has been a long hurdle race, both within and outside the family. Women in Jharkhand are not very different from women elsewhere in the country in terms of discrimination and disadvantages. There are a number of common characteristics, which the women of Jharkhand share with their counterparts, mainly their level of literacy and education, doing unpaid work, low participation in the work force, very little property rights and even discrimination within the family. The Gender Profile for the state of Jharkhand is aimed at presenting a holistic picture of the socio economic condition of the women in this tribal state. It is an attempt to bring into focus various issues affecting the lives of women, their social standing, their economic condition and the inhibiting factors.

In this section, the status of women in the state of Jharkhand is assessed based on a selected set of gender development indicators. The variables considered for the analysis are indicative of demographic, educational, health-related, socio-cultural and economic status of women.

Sex Ratio

The sex ratio of the state is 941. Comparatively better sex ratio has been in the district of Koderma where sex ratio has been registered as 1001. The sex ratio is declining in an alarming rate. But the sex ratio among tribals is higher as compared to general population. The rural area's sex ratio is better than in the urban areas. The sex ratio is tilted in favour of men perhaps due to poor health and nutritional status of women, lack of awareness, low social/economic status rural to urban male migration due to economic motive.

Figure 1. 1: Sex ratio comparison between Jharkhand & India

Source: Census of India 2001

Infant Mortality Rate

The state ranks 8th in Infant Mortality and 14th in child mortality ranked 14th according to NFHS 2. Jharkhand shows high infant and child (under 5) mortality, which is strongly associated with high fertility of women and specifically frequent pregnancy. There are substantial variations in the infant and child mortality locationally. Children born to women of rural low income, illiterate adolescent mother are at a disadvantage than the privileged one.

During the five years preceding the survey, the infant mortality rate was 54 (deaths of infants per 1, 000 live births), much lower than the infant mortality rate of 78 in Bihar. The child mortality rate in Jharkhand was 25. In all, among 1, 000 children born, 78 die before reaching age five. 1 in 19 children die in the first year of life, and 1 in 13 die before reaching age five.

Fertility Rates

Total fertility rate (for the past 3 years): 2. 76

Mean number of children ever born to women 40-49: 4. 83

Median age at first birth among women age 20-49: 19. 0

Percent of births of order 3 and above 53: 7

Mean ideal number of children 4: 3. 1

Percent of women with 2 living children wanting another child: 48. 4

At current fertility levels, NFHS-2 estimated that women in Jharkhand will have an average of 2. 8 children each throughout their childbearing years. One-quarter of births in both Jharkhand and Bihar take place within 24 months of the previous birth. Efforts to lower fertility might usefully focus on groups within the population that have higher fertility than average. In Jharkhand, illiterate women, women from households with a low or medium standard of living, women from scheduled castes or other backward classes (OBC), and Muslim women have much higher fertility than other women. A more striking feature is the substantial level of childbearing among young women. The median age at first childbirth is 19 years, which is the same as

in Bihar. Women age 15-19 account for 17 percent of total fertility. Family planning programmes focusing on women in this age group could make a significant impact on maternal and child health as well as reducing overall fertility in the state.

Maternal Health

Reproductive health of women is another matter of concern, which impacts their condition. Her role of replenishing the race by child bearing puts her health at risk.

43. 1 % of tribal women did not receive any antenatal check-up.

38. 7 % did not receive tetanus toxoid injections.

Only 48. 6% were given iron and folic acid tablets.

90. 2% of tribal pregnant women delivered at home.

65. 7% of all deliveries were attended by traditional birth attendants

Haemorrhage and Anaemia together constitute almost 50% of maternal mortality cases and are of serious health concern. Particularly in the state of Jharkhand anaemia is of serious concern due to poor food intake and absence of dietary diversification. Dependence on seasonal cropping pattern and inadequate food intake by women especially during pregnancy causes anaemia and it is a major concern in this tribal state.

Table 1. 1: Anaemia in Jharkhand

Malnutrition

Based on international standards, 54 percent of children under age three years are underweight, 49 percent are stunted, and 25 percent are wasted. In Bihar, the percentages of underweight, stunted, and wasted children are 54, 55 and 20, respectively. In Jharkhand, under-nutrition is higher in rural areas than in urban areas and is particularly high among children from disadvantaged socioeconomic groups such as children from schedule tribes, children of less educated mothers, and children from households with a low standard of living. The percentage of underweight children is about the same for girls as for boys, but girls are somewhat more likely to be stunted while boys are somewhat more likely to be wasted. More than four out of five children age 6. 35 months are anaemic, including a large majority of children in every subgroup of the population.

AIDS/HIV

Although the spread of HIV/AIDS is a major concern in India, nearly 9 out of 10 women in Jharkhand (85 percent) have not heard of AIDS, compared with 60 percent for India as a whole. In fact, knowledge of AIDS is lower in Jharkhand than in any other state except Bihar. Awareness of AIDS is particularly low among women in rural areas and among women who are socioeconomically disadvantaged. Among women who have heard of AIDS, 83 percent received information about the disease from television and 49 percent from radio. Among women who have heard of AIDS, however, one-half (49 percent) do not know of any way to avoid infection.

Education

Education is one of the important factors that influences the health status is education (especially women education). Education is one of the important factors for the growth and development of the country. It has been observed that education to some extent compensates the effects of poverty on health irrespective of the availability of the health facilities. Moreover, In India, conspicuous gender disparities exist in education, especially with regard to enrolment at the primary, upper-primary and higher levels of school education. From the preliminary field survey it is observed that literacy rate especially among women is very poor in the surveyed areas. Social attitudes, poor access to school, and family-oriented roles and responsibilities of the females are responsible for this disparity.

Table 1. 2: Literacy Rates

Literacy rates as per 2001 census

Rank

Persons

Male literacy rate

State

Literacy rate

34

Jharkhand

53. 56

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63. 83

Source: 2001 Census

Jharkhand along with Bihar has the lowest female literacy rate of 39.98%. More males are literate than women (67.94% compared with 39.38%). Variation in literacy of male and female is evident. Girls are still deprived of primary education, due to several factors such as inaccessibility of primary education, household duties, early marriage, early child bearing, gender bias associated drudgery, other socio-cultural factors such as parents perception, that education is more beneficial for sons. A large proportion of school age girls remain outside the school system due to important factors explained largely by low access of females to education system in the traditional value system play a greater premium on male than the female. Since resources are scarce, parents decide to send male children to school in preference to female. Acute poverty has proved to be a barrier to girl's education.

Table 1.3: Literacy rate of women

Female Literacy and Gender Gaps

Literacy is the first step towards formal education. It refers to the ability to read and write. Female literacy has been improving over the years. The proportion of women who are literate has increased by 15 per cent over the last decade from 39 per cent in 1991 to 54 per cent in 2001. Jharkhand remain one of the worst states in terms of women's literacy, despite some improvements over the decade. While the low literacy rate may be explained by a range of factors such as non-availability of schools, teachers, equipment and infrastructure, which affect both sexes, it is social attitudes and perceptions that attach lower preference to girls.

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Table 1. 4: No. & percentage of Literates

Particulars

No. of literates

% of literates

Male

7, 759, 966

67. 94%

Female

4, 291, 211

39. 38%

Total

11, 970, 177

54. 03%

Source: Survey data/District reports**Table 1. 5: Educational Profile in the context of gender**

Total population of boys (6-14 age group)

29, 23, 544

Total population of girls (6-14 age group)

27, 57, 304

Total Boys Enrolment (6-14) in Govt and aided schools

19, 96, 156

Total Girls Enrolment (6-14) in Govt and aided schools

15, 95, 947

Total Boys Enrolment (6-11) in EGS centre

3, 04, 494

Total Girls Enrolment (6-14) in EGS centre

2, 90, 271

Index of gender equity (State average)

91. 51

Source: Survey data/District reports

Female Work Participation Rate and the Gender Gap in participation

Women are still at the lower end of the labour market in pay and authority.

They typically occupy lower-paid and lower status jobs. Women's

unemployment rate is higher than that of men and far more women than

men work in the informal sector. In organized sector the number of women is

significantly small even if they have the benefit of education and skills. The

total % of workers (main and marginal) is 37. 64% where the representation

of women being 26.40% and that of males being 48.21%. These figures indicate a comparatively lower work participation of women with regard to men.

The female work participation rate (FWPR) is measured by calculating the proportion of female main plus marginal workers among the female population. Standard definitions of economic activity indicate low rates of FWPR. At the all-India level, only 30 per cent of women are defined as workers, main or marginal. Jharkhand occupies 14th position in FWPR with a score of 35.1 and 11th rank in Gender gap in participation with a score of 30.1 among 28 states. This shows that there is a medium level of women's labour participation in community-based organisation of subsistence production as the values are close to the Indian average. Only 31.7% of the women have been employed in any form in past 12 months. More than 90% of this employment has been in the unorganized sector mainly comprising of agriculture and daily wages.

Table 1. 6: Statistics on working status of women

Source : Rajya Sabha Unstarred Question No. 2128, dated on 08. 12. 2009.

Table 1. 7: Average Daily Earnings

Average Daily Earnings of Men, Women and Children belonging to

Rural Labour Households in Agricultural Occupations

(Other Backward Classes) in Jharkhand

(1999-2000 and 2004-2005)

(In Rs.)

State

Men

Women

Children

1999-

2004-05 (P)

1999-

2004-05 (P)

1999-

2004-05 (P)

2000

Total

Cash

Kind

2000

Total

Cash

Kind

2000

Total

Cash

Jharkhand

34. 61

41. 48

35. 97

5. 51

30. 82

34. 77

30. 87

3. 9

34. 4

11. 57

7. 08

India

40. 93

49. 64

44. 03

5. 61

28. 42

33. 63

29. 7

3. 93

22. 72

31. 7

29. 19

Source : Rajya Sabha Unstarred Question No. 2128, dated on 08. 12. 2009.

7. 1% of seats are held by women in Parliament as per the data of Ministry of Panchayati raj, 2008. 34. 8% of women in the age group of 15-49 years have experienced physical or sexual violence in Jharkhand. Till now no assembly elections had taken place in the state.

Gender Empowerment Measure (GEM)

The GEM scores for India estimated by UNDP are a very low 0. 228 (UNDP HDR 1998). Using the indicators listed above is more relevant for India and although it yields GEM scores that are more than double (0. 497) of those

estimated by UNDP, the values attained still reflect the existence of sharp disparities in gender empowerment. GEM scores are formed of three composite indices, Index of ' Political Participation & Decision-making Power' (PI), Index of ' Economic Participation and Decision-making Power' (EI) and Index of ' Power over Economic Resources' (PoERI). The state has a GEM index value of 0. 435 in 2006 which rose from a value of 0. 278 in 1996. Based on this it has been ranked 26 out of all states and union territories. The state achieved large gains on GEM scores by 0. 132 and improved their ranks on GEM by 6 positions each over the decade.

Table 1. 8: HDI, GDI and GEM Scores and Ranks for Jharkhand in 2006

Particulars

HDI Score

HDI Rank

GDI Score

GDI Rank

GEM Score

GEM Rank

Jharkhand

0. 574

29

0. 558

29

0. 535

26

India

0. 605

—

0. 590

—

0. 497

—

Source: wcd. nic. in

Violence against women

Marital cruelty, dowry murders, child abuse, incest and battering are some of the common forms of violence that women face in the family. The community metes out rape, sexual harassment, eve-teasing, trafficking and sexual discrimination to the women. Custodial violence and institutional deprivations are two forms of violence meted out by the state.

Witchcraft: – In the tribal belt of Jharkhand the incidence of witchcraft is very common. In a majority of the cases, it is found the real motive of the killers was to grab property or to settle personal scores with the victim family. In

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order to garner support for their nefarious activities, villagers particularly influential people brand female member of a particular family as a witch so that they could get the support of their co-villagers in hounding out or killing the victim's family. The villagers believe that the women branded as witch are responsible for the illness, death and drought.

SECTION II

“ Indigenous societies in India are showing an increasing tendency towards growing inequality in gender relations. This is more pronounced in societies that have integrated with mainstream Indian society.”

Women's land rights have been on the policy agenda in India for at least the last 20 years. Yet not much has happened on the ground. Why have not women mobilised to claim rights to land? What have been the limits to collective action by women around land rights? Firstly, the socially embedded nature of land as a resource and the mutuality and interdependence between men and women in the productive use of land needs to be recognised. Consequently, more than gender identities, it is other cross-cutting identities of ethnicity, education, kinship relations and marital status that both motivate women to stake their claims to land as well as oppose the claims of other women and men. Secondly, women's land claims seem to have a chance of becoming effective only if they have some male support, hence rather than aligning with other women, those who are serious in their claims seek to build alliances with men, particularly those able to influence the argument in their favour. Just as amongst women, there is considerable evidence to show that men also adopt different subject-positions depending on their own experience and context. Finally, by

attempting to present women's land claims as a gender issue, not only is it found that women are unwilling to mobilise around this issue, but there is also an enhanced resistance from men.

Women without independent resources are highly vulnerable to poverty and destitution in case of desertion, divorce, or widowhood. Women's access to even a small plot can be a critical element in a diversified livelihood system, and can significantly improve women's and the family's welfare, even if the plot is not large enough to provide full family subsistence. Endowing women with land would empower them economically as well as strengthen their ability to challenge social and political gender inequities.

Current Scenario in Jharkhand

The good traditional practices like Tabenjom which was practiced in past has now evaporated from the society. The traditional practices gave some benefits to married as well as unmarried women in behaviour but had no rights to the women but now due to changing factors these practices have vanished leaving women badly affected and turned to destitute Tribal women now demand for joint pattas in their husband's property. At many places the last settlement was done in 1911, then in 1935 and lastly in 1964-65. Since then the settlement has not taken place but now groups demand for settlement in the name of both men and women.

Women are the most badly affected due to displacement, mining, migration and development leaving the women having no right over land and resource rights. Now women have been raising voices for their rights over land and resources.

Historical perspective

In Jharkhand, historically tribal society was a collective society residing in the proximity of woods and forest. They had their own periphery within which their social, cultural and political system ran smoothly. Men and women had equal responsibility towards the family and society and played equal roles.

The land was then into a collective system, where a territory was defined and the control over the territory by the village self governance system such as Manki Munda of Ho tribes, Majhi parha of santhal and Parha panchayats of Munda. Not only these but other tribes like Oraon, Birhor and Paharia have their own administrative system which was unique in nature. This was the oral tradition and was functional on certain believes and myths. The women enjoyed equal opportunity and played role of village head in the administrative system.

Through Permanent Settlement Act of 1793, tectonic changes were brought into this traditional administrative system by the British. This Act heavily undermined the traditions and customs of the tribal's communities. It introduced fixed land revenue independent of local terrain and climatic conditions (contrary to the Mughal land revenue system); introduced Zamindars to collect it and “ ghatwals” to maintain law and order. The peasant tribals were turned into tenant farmers and deprived of the land title including other rights and privileges enjoyed during the Mughal period.

But, on contrary Britishers introduce patta system or “ Khatiyans” (land title deed) in Jharkhand. The communalism is replaces by individualism. Common property became private. Here, came the introduction of the strong

patriarchy by writing the names of the male members in the patta or “Khatiyar”. The entry of the women name was restricted. This was more so done by the Britishers in order to create a dispute within the tribal family. This was the start of disintegration of the women in the traditional governance system. Now days there are hardly any women as village head.

The struggle for the land did not stop in the tribal belt. Migrants from the adjoining states treacherously usurped the local land by using the warm hospitality of the tribals to their advantage. The tribals had welcomed them as the guest but they were ignorant of their motives, consequently many lands were taken illegally by these migrants who came to settle in the new area. Some of the early migrants got land from the Zamindars.

The motives of the migrants were so intense that they lured the tribal girls to get married with them. Many tribals girls got married which had resulted in wide spread torture for land. This created anger among the tribal communities and strengthen them towards being more patriarch. Newly, infested thought just ignored the women entitlement to land. This also had its repercussions in the traditional system and participation of women in administrative system almost stopped. Though there were other factors for the loss of traditional system in tribal belt but presence of women became negligible. Even the traditional practice of “Tamenjom” in Santhal tribe where a daughter is given the share of family land, did not practiced in large. The tribal communities like Munda, Ho and Oraon totally ignored the right of women over the family land.

The role of the women was reduced to “care taker” of ancestral land but there was no entitlement with their names. The single unmarried women got the land of their father as the caretaker but not as owner. Similarly, the role of the widower became more prominent as caretaker until only her sons got through the land rights. Still today the practice is same and tribal women’s right to land is not in mindset of tribal men or even women.

There was lot of resistance from the tribal men when asked about giving land to women. This is more so because there have being much of struggle of land by the tribals in past and still it is present today. The term ‘Dikus’ has being attached to all the invaders whether to be outsiders or multinational companies who are reaching to grab the tribal land for their profit. In such a situation how can tribal men think to give a share to women? This issue of land struggle of tribals with corporate or multinational companies was attached with women being betrayed through marriage for land in the past.

One thing that was ignorant from the past happening was that men were also being part in the loosing of land to outsiders which was never narrated in large. They through their easy going and wrong habits gave many lands to others. They even encourage having marrying a non tribals but they could not tolerate a tribal women marrying a non tribal.

The land for the urban tribal women also emerged from same history which restricted the share to daughter creating differences as land right to women does not exist for tribal girls. Even the property right to daughter by the Indian law did not fit to the traditional laws in tribal society.

The land reforms under the Forest Department had also resulted in loss of the tribal lands. Neither the recent Forest Right Act of 2006 was introduced properly at grass root. This Act was functional on in 2008 but there was no distribution of patta. This Act had benefited the women by joint names in patta in neighboring states like Orissa and Chattisgarh. Unfortunately, in Jharkhand it is still in the struggling phase to implement properly but joint names in patta is still a long way.

This was not at all in the mindset of tribal men that women are strong enough to deal with all situations. They have seen the women participating strongly for land struggle right from the colonial days to present day against the multinational companies. But, when comes land right to women they are silent and narrates traditional values and norms.

Some advocacy was done on right to land to women by many organization and activists but due to the reluctance by the tribal political leaders it did not worked. The other alternative are being worked such as introduction of names of the wives in the “ Khatian” (land deed) but still the organization and activists are struggling in this matter.

There are changing patterns in the tribal society were the acceptance of the daughter are getting reduce this will more so weakens the right to land to women. Hence, mass awareness is needed among the tribal society starting from the traditional groups to urban habitats. Only then can right to land for tribal women be accepted.

Factors influencing gender differentiated land rights

The lack of enforcement of land laws and regulations hampers women's rights to land.

The land holdings of both spouses are summed together for the purposes of land ceilings. In case of surplus, officers have considerable discretion in deciding the area to be forfeited. This is usually done in consultation with the husband, and often leads to forfeiture of the wife's land.

Although the wording of legislation is usually gender neutral as to allocation of forfeited land, land redistribution programmes mainly targeted male household heads as recipients.

Women are excluded from decision-making processes. Women do not attend meeting of gram panchayats because cultural and social factors such as female seclusion and low consideration of women's ideas, hinder their meaningful participation in these local institutions.

Rural people and even more so rural women are often isolated from media sources and rely on information supplied by local officials and gram panchayat. However, officials are often not informed about changes in legislation or policies and, consequently, they might not provide people with the right information or the support needed to protect their interests.

Women often renounce to their statutory rights in favour of male family members due to the economic and social dependence on their kin.

Furthermore, in some parts of the country, it is considered socially shameful for a woman to claim her rights before courts, vis-à-vis with her male family

members. Unequal education status and restrictions on mobility further exacerbate the situation for women.

Women's seclusion limits their mobility and participation in activities outside the home and knowledge of the physical environment, hampering their access to information on new agricultural technologies and practices, to purchasing inputs and selling the products.

Impact of land rights on women

Providing land to women will empower them economically and also strengthen their capability to tackle social and political gender discrimination.

Access to land has helped in getting credit and is likely to make a important difference to bargaining power within the home and community, enhanced their confidence level increasing will power, enabled them to bargain better deals in the wage labour market, facilitate their participation in decision making bodies, speak for their rights, giving property to their daughter, greater mobility and secure future.

Land entitlement with skills will make women to come out of the four walls of the house, confident that their land will not be misused by their husbands and it cannot be sold without their consent, minimize domestic violence, participate in decision making within the household for example, they can have the right to decide whether to sell the land or not.

Consequences of Denying Ho Women Their Rights in the Land

A much larger proportion of Ho women remain unmarried than is the case for women in other non-tribal communities-in order not to lose their rights in their parental land. As wives, their rights in the land are much less secure as they may be abandoned, forced or otherwise forced to leave the marital home without being assured of maintenance.

In the tribal community, an unmarried or widowed woman exercising her usufructuary rights over land becomes very vulnerable the rapacity and landhunger of unscrupulous male relatives who think they can grab the land if they can only get her out of the way. Thus, she is often either forced to surrender her lifetime usufructuary right or she becomes a target of violent attacks of various kinds.

The loss of usufructuary rights of tribal women due to rape by dikus (outsiders; non-tribals) has been increasing as the tribal society becomes increasingly invaded by the outsiders and the immiserization of the tribal peasantry forces the tribals to seek outside employment in order to survive. Women constitute the bulk