

**A Roundtable
with the
UN Special
Rapporteur
on the
Right to Food**

Chennai, India
30 March 2010

Discussion Papers

Women's Productive Resources:

Realising the Right to Food for All



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**Women's Productive Resources:
Realising the Right to Food for All**

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Abbreviations

AAI	: Action Aid India	MLA	: Member of Legislative Assembly
ADB	: Asian Development Bank	MMR	: Maternal Mortality Rate
ANANDI	: Area Networking and Development Initiative	MMS	: Mid-day Meal Scheme
BMI	: Body Mass Index	MONLAR	: Movement for Land and Agricultural Reform
BPL	: Below Poverty Line	NBFC	: Non-Banking Financial Companies
CCT	: Conditional Cash Transfer	NFHS	: National Family Health Survey
CEDAW	: Convention on the Elimination of All Forms of Discrimination against Women	NFSA	: National Food Security Act
CNTA	: Chhotanagpur Tenancy Act 1908	NGOs	: Non-Government Organizations
CSW	: Commission on the Status of Women	NHRC	: National Human Rights Commission
CSR	: Corporate Social Responsibility	NREGA	: National Rural Employment Guarantee Act
DC	: District Collector	NTFP	: Non-Timber Forest Produce
DDS	: Deccan Development Society	PDS	: Public Distribution System
EGoM	: Empowered Group of Ministers	PESA	: Panchayat Extension to Scheduled Areas Act
FAO	: Food and Agriculture Organisation (UN)	PRADAN	: Professional Assistance for Development Action
GHGs	: Greenhouse Gases	PSU	: Public Sector Unit
GHI	: Global Hunger Index	PUCL	: People's Union for Civil Liberties
HDI	: Human Development Index	PWESCR	: Programme on Women's Economic Social and Cultural Rights
IAASTD	: International Assessment of Agricultural Knowledge, Science and Technology for Development	RMK	: Rashtriya Mahila Kosh
ICDS	: Integrated Child Development Services	RTI	: Right to Information
IGA	: Income Generating Activity	SA	: Scheduled Areas
IFPRI	: International Food Policy Research Institute	SC	: Scheduled Caste
IIED	: International Institute for Environment and Development	SEZ	: Special Economic Zone
ILO	: International Labour Organisation	SHG	: Self Help Group
IPCC	: Intergovernmental Panel on Climate Change	SPTA	: Santhal Pargana Tenancy Act (SPTA)
IUCN	: International Union for Conservation of Nature	ST	: Scheduled Tribe
IMR	: Infant Mortality Rate	TA	: Tribal Areas
Lcpd	: Litres per capita per day	TAC	: Tribal Advisory Council
LSAFP	: Large Scale Advanced Farm Project	TNC	: Transnational Corporation
MACS	: Chaldinganipalle Mutually Aided Cooperative Joint Farming Society	UN	: United Nations
MDGs	: Millennium Development Goals	UNDP	: United Nations Development Programme
MFI	: Microfinance Institutions	UOI	: Union of India
		UPA	: United Progressive Alliance (Government)
		UPA I	: United Progressive Alliance, First Phase
		UPA II	: United Progressive Alliance, Second Phase
		WHO	: World Health Organisation

Introduction

Women's Productive Resources: Realising the Right to Food for All was a day-long roundtable with Olivier De Schutter, the UN Special Rapporteur on the Right to Food, organized by PWESCR in Chennai, India on March 30th, 2010. The roundtable was an attempt to situate the right to food within the larger but less talked about context of productive resources and to raise the visibility of the gender dimension within this forum. Access to and control of resources is vital in promoting the right to food in a way that protects women and empowers them by recognising their important contributions to the realisation of the right for all.

Throughout the world, women are engaged in all levels of the economy. They are farmers, land managers, and guardians of the forests. Through activities of livelihoods women play a vital role in agriculture, especially subsistence agriculture, seed production and post-harvest management, animal husbandry, fishery, natural resource management, and energy management. These are activities that provide subsistence to families and communities by taking care of basic necessities such as food, water, fuel, homes, healthcare and social security. Productive resources are the key considerations for all livelihood activities. Resources may be economic (land and credit), political (participation governance and decision making at community level), or social (education, skill building, training). Right to access is the opportunity to use, manage and control resources. Productive resources are critical to women because the right to food does not stop at just feeding the hungry and making the world free from hunger. For women, especially those from marginalized communities, it is getting increasingly difficult to access these resources due to biased customary laws and patriarchal norms, and is perpetuated by gender blind policies which have exacerbated the obstacles that women confront and made them vulnerable to food insecurity—malnutrition, chronic hunger and starvation. The state development agenda, which uproots and destroys traditional forms of livelihoods, with little or no compensation and does not even recognize women's livelihoods, let alone protect and support these, needs re-thinking if the right to food has to be realized.

Despite legal entitlements to land, women's ownership, access, control, and management have all been compromised. Although agricultural operations have become increasingly feminized, women are not seen as farmers as they are not land owners and hence denied state support for their invisible, largely unpaid, yet crucial agricultural pursuits. Issues of displacement are also critical from women's perspectives. Women seldom get a fair deal in resettlement and compensation packages. Women's access to forests and natural resources is continuously being impeded at an alarming rate because of unscrupulous and reckless exploitation of forests and natural resources. The effect of this on women's livelihoods is a matter of concern. Closely linked to land is the issue of water. Traditionally defined gender roles ensure that the responsibility of procuring water is solely born by women. Therefore, lack of access to water has an adverse effect on them. Livelihood planning with clear water entitlements that prioritize water for agricultural purposes over industrial is much needed. Women's right to food hinges on their ability to access credit. Access to credit becomes

crucial considering the myriad discriminations women face in terms of economic rights, while at the same time they continue to increasingly shoulder the responsibility of providing for their families, feeding children and adding to meagre family incomes.

To realise the right to food, it is essential to move beyond the stereotyping of women as ‘poor victims’ clubbed with children as a vulnerable group that needs to be protected and taken care of. It is also essential to recognize women as economic agents – producers and workers – playing a crucial role in averting starvation and also contributing to the well being of their families and communities. The roundtable provided an opportunity for an extensive discussion on a wide range of issues such as land, agriculture, food, water, forests, natural resources, social security and microcredit, with a particular focus on situations of women from vulnerable/marginalized communities such as tribals and *Dalits*. Impact of climate change on women’s productive resources in context of livelihoods was also highlighted.

The roundtable was an attempt to bring within the purview of the present debates on the right to food, issues of vital importance, such as access to productive resources including land, forests and natural resources, water and credit. It was an endeavour to recognize and carry forward the gender dimension within each of these categories. Presentations by experts from across the country on a wide range of issues showcased the need of the ongoing dialogue on the right to food to be contextualized in the backdrop of livelihoods. The UN Special Rapporteur’s mandate on the right to food must recognize the importance of the fact that without engaging with the lived realities of women’s lives- the denial of women’s ownership, access, control and management of productive resources, non-recognition of their livelihoods and unpaid work, non-entitlement to social security benefits- the right to food cannot be realized. It was hoped that this roundtable would inform the Rapporteur’s mandate of the hitherto neglected gender dimensions of the right to food.

We hope the experiences and ideas discussed in this meeting will be of interest to a wide range of audiences.

Priti Darooka
Executive Director
PWESCR

Foreword

The roundtable on *Women's Productive Resources: Realising the Right to Food for All* was held in Chennai on March 30, 2010. It was unique in a number of ways. The event brought together experts from around India who shared their work, stories and knowledge regarding women's access to productive resources, barriers to such access, success stories and best practices. The roundtable was both informative and inspiring. I deeply enjoyed the opportunity to engage personally with these wonderful women and men.

My mandate as UN Special Rapporteur on the Right to Food includes various duties, like promoting the full realisation of the right to food, examining ways of overcoming existing and emerging obstacles to the realisation of this right, and presenting recommendations on steps to achieve the full realisation of the right to food. Just as important as these responsibilities is the explicit requirement to continue mainstreaming a gender perspective in the fulfilment of my duties. This requirement to include a gender perspective is born out of the fact that women are disproportionately affected by hunger, food insecurity and poverty.

Indeed, women around the world confront both unequal access to food and unequal access to productive resources. At a societal level, women often face discrimination and unequal access to economic and productive resources. For instance, while Article 14, paragraph 2 (g), of the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) guarantees the right of women to equal treatment in land and agrarian reform, as well as in land resettlement schemes, women still are at a serious disadvantage in access to land, as a result of discriminatory laws on inheritance and deeply ingrained social customs. At the family level, women frequently receive less food than other family members, and are less likely to control family resources than men, particularly when they are in the form of cash. The impact of women's unequal access to resources and the discrimination that they face is enormous: as pointed out by the Human Rights Council Advisory Committee on discrimination in the context of the right to food, women account for 70 percent of the world's hungry. This is especially troubling since in many developing countries women produce and sell most of the food. It is they, most often, who work in the fields, as men seek employment off farms, sometimes migrating to the cities to improve the incomes of the household.

States have obligations to respect, protect, and fulfil the right to food of all their citizens, including women. This means that states: 1) must not impede women's existing access to food, income or productive resources; 2) must protect women from discrimination in access to food or resources by third parties; and 3) must strengthen women's access to resources to ensure their livelihood, and thus their ability to feed themselves. Specific recommendations have been made at the international level to ensure that states meet these obligations regarding women's right to food. The Committee on Economic, Social and Cultural Rights noted in General Comment No. 12 that governments should provide *'guarantees of full and equal access to economic resources, particularly for women, including the right to inheritance and*

*the ownership of land and other property, credit, natural resources and appropriate technology.*¹ As already mentioned, CEDAW, although not specifically mentioning the right to food, requires states in Article 14 to ensure that women have the right *‘[t]o have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.’*² And because mere legislation alone will not guarantee gender equality, the *FAO Voluntary Guidelines on the Progressive Implementation of the Right to Adequate Food in the Context of National Food Security*—the only intergovernmental document that describes the operational requirements of an economic or social right—urges states to pay attention *‘to the need to ensure equality in practice... between women and men.’*³

Focusing on gender and the right to food extends beyond chronicling the problems that women face and the legal instruments that can help remedy them. This is because women are also central to achieving the full realisation of the right to food for everyone. Throughout the world, women hold extremely important roles in regard to food production and food consumption. In certain sectors and areas, women comprise the majority of waged agricultural labourers. In many places, women’s contribution to subsistence farming is critical to household food security. In traditional farming systems, women are usually the primary seed savers, a very valuable position. And at the household level, women are often responsible for food preparation and individual nutrition. Moreover, as exemplified at this roundtable in Chennai, women are at the forefront of promoting sustainable food production, collective farming techniques, and thoughtful solutions to addressing food needs and attaining the realisation of human rights.

Recently, I have focused in part on the link between the right to food and access to land and productive resources, and my report to the 65th session of the UN General Assembly addresses this subject. To this end, the roundtable in Chennai served an important role in providing information on the distinct issues that women confront regarding access to land and productive resources, as well as describing some of the best practices that are emerging in the South Asia region. Rukmini Rao provided insightful and detailed analyses of a wide range of issues—women’s land and property rights, the particular impact of contract farming and Special Economic Zones (SEZ), and women’s struggles against displacement—as well as a number of concrete recommendations for addressing those issues. Sejal Dand contributed an informative explanation of the situation of women farmers in India, stressing the importance of subsistence farming and women farmers’ requirements of formal land ownership and titles in order to access other resources and support. Meera Velayudhan and Praveer Peter both highlighted the particular access to resource issues of marginalized groups, focusing respectively on *Dalit* women and tribal women. Their remarks both provided a nuanced explanation of the intersectional issues that can arise, the multiple levels of discrimination and specific challenges that those groups face, and the positive steps that have been taken to realize the rights of *Dalit* women and tribal women. Lavinia Mawlong presented work that she and Govind Kelkar had undertaken for UNIFEM on climate change and *Adivasi* women in South Asia. The information and conclusions complemented Praveer Peter’s explanation of issues facing indigenous women, while illuminating the particular ways in which climate change, climate change mitigation and adaptation strategies affect *Adivasi* women. The presentation highlighted the need to ensure that mitigation projects respect human

¹“Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social, and Cultural Rights,” last modified May 14, 1999, <http://www.unhchr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9>

²“Convention on the Elimination of All Forms of Discrimination Against Women,” accessed May 4, 2011, <http://www.hrcr.org/docs/CEDAW/cedaw5.html>

³“Voluntary Guidelines,” last modified November 2004, <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

rights, and that autonomous adaptation strategies have already been adopted and embraced by indigenous women. Nafisa Barot discussed water resources and their critical significance for food security. She addressed the issue of how governments can protect water security even in the context of changing land rights.

The roundtable also provided the opportunity to hear presentations on issues that have been less directly connected to my mandate in the past but are also important for ensuring the realisation of economic, social and cultural rights, including the right to food. Smita Premchander presented an engaging argument regarding microfinance, stating that women from food insecure households first need grants and subsidised food, after the provision of which microfinance loans and access to other financial services can play an important role in supporting women and their right to food. Priti Darooka discussed the human right to social security, the gender perspectives of the right, and its link to the right to food and access to productive resources. Finally, Biraj Patnaik updated participants on the status of the struggle for the right to food in India and the current debates over proposed right to food legislation, efforts in which I am deeply interested.

Each of these presentations was effective on several levels. The information shared was helpful and has informed my understanding of the right to food challenges in South Asia, particularly from a gender perspective. The presentations led to debates and discussions that further drew out the particular challenges and opportunities regarding women's access to productive resources. Finally, while the presentations were sobering in their depictions of the problems that exist, the speakers were inspiring in sharing the work that they undertake. I am incredibly grateful to each and every person who attended and shared at the roundtable, despite their busy schedules, pressing agendas, and distances that they had to travel. And I look forward to deepening my focus on gender and the right to food while fulfilling my mandate.

One of the most gratifying aspects of my position as Special Rapporteur is that it enables me to meet committed people around the world who are dedicated to advancing human rights in a way that respects human dignity. I am very appreciative of the efforts of PWESCR to host this roundtable; as evidenced by this publication, it was a great success. I would particularly like to thank Priti Darooka, the Executive Director of PWESCR, for her persistence and passion, and Veda Bharadwaja, Programme Associate of PWESCR, without whom I am told this event would not have been possible.

Olivier De Schutter

UN Special Rapporteur on the Right to Food

Land: A Resource for Women

It is increasingly being realized that issues of land affect the realization of the right to food. The increasing pressures on land negatively impact the food security of millions of people across the globe, especially women, who face deep rooted biases that put them at a disadvantage with regard to access, ownership, management and control. While the brunt of gender insensitive policies and development models further marginalize them and disrupt their lives, they continue to brave these obstacles and contribute significantly to agricultural operations and provide food for their families, even though this contribution is seldom recognized. Three presentations were made in the first session of the roundtable on issues related to land that are an impediment to the realization of the right to food. The subjects included inheritance laws that discriminate against women, contract farming and the resultant violation of human rights, bio-fuel production on marginal lands and its effect on women's livelihood pursuits, the disruptive impact of SEZs, continued discrimination against Dalits and violation of their economic rights, the situation of Dalit women vis-a-vis rights that inform food security, women's role in subsistence agriculture and the need to recognize and support their contribution to agriculture.

Right to Food and Land Rights for Women in India

V. Rukmini Rao

The Brunt of Hunger

Today the poor in India are worse off than ten years ago. The per capita availability of food has declined from 177 kilograms (1991) to 152 kilograms per person per year in the last decade. The daily availability of food has declined from 485 grams to 419 grams per day.⁴ Since 2009, the situation has further deteriorated with dramatic weekly increases in food prices. During 2009, prices of potato had gone up by 57.67 percent and onions by 29.92 percent over a one year period.⁵ Prices of rice and lentils have more than doubled in some areas.

Given the gender bias and discrimination practiced against girls in Indian society, the brunt of hunger has been borne by women and children of marginalised communities, particularly indigenous people and Dalit or 'untouchable' castes, due to a number of reasons that will be discussed in this paper.

Discriminatory Practices in Inheritance Laws

It is common knowledge that access to and control over agricultural land gives women an opportunity to farm and provide for their families. Family law is not based on gender justice, but on religious customs, that are biased against women. Hindu, Muslim, Sikh, Christian, Parsee, and traditional laws governing indigenous people provide differential ownership rights to land for women. For the first time, the Hindu Inheritance Law that was modified in 2005 recognised a daughter's right to inherit ancestral land. Though this is the de jure position among Hindu women, they are discouraged from demanding their share. It is extremely rare for women to inherit land (apart from matrilineal systems practiced in some parts of the country). The Supreme Court, in the case of Ho⁶ women in the erstwhile state of Bihar⁷, ruled that women could not demand equal rights to land but had to follow traditional practices as per Constitutional guidelines that respect customary law, which essentially discriminates against women.

In India, we don't have equal land rights for women. Our civil and family laws are based on religious norms. Inequalities exist across the board.

⁴Shiva, Vandana, "Why Bush is Wrong in Blaming Indians," The Deccan Chronicle, May 12, 2008.

⁵Goyal, Kartik, "India's Food-Price Inflation Slows to Four-Month Low (Update 2)", www.bloomberg.com. March 18, 2010.

⁶The Ho are the fourth most predominant tribal group (after the Santal, Mundas and Oraons), residing in Jharkhand, parts of Orissa and West Bengal.

⁷The state of Bihar was split into the states of Jharkhand and Bihar in the year 2000. Jharkhand is essentially a tribal dominated area of the country.

India has been a signatory to CEDAW since 1993. It is recommended that the UN Human Rights Council considers setting down necessary guidelines to eliminate discrimination against women in inheritance laws and provide for equal rights to land ownership. An appropriate administrative mechanism needs to be set up to support women's gain of actual control and formal legal ownership. This will also give women an opportunity to access credit, agriculture inputs and subsidies in their own right, increasing the possibility to grow food crops for family subsistence.

The state, instead of helping the poor, is actually subsidizing contractors to make more and more money. This should be completely prohibited.

Contract Farming

A set of minimum principles and measures to address the human rights challenge related to contract farming has been outlined by the Special Rapporteur on the Right to Food in his *'Report on Agribusiness and the Right to Food.'*⁸ The challenges are as follows:

- One of the arrangements often referred to improve the ability of small holders to participate in higher-value chains is contract farming. This consists of small holders being provided with credit, inputs, and technical assistance by a buyer who typically commits to buy predefined volumes at certain prices, ensuring that the producer will have a market and that the investments will pay back.
- Ideally, contract farming should benefit both sides, improving the ability of farmers to modernise and increase their production, and guaranteeing a stable supply to the buyer. Since the farmer, in many cases, has very few alternatives from which to choose, it is particularly important to ensure that such contracts do not lead to inequitable outcomes. This risk is present when farmers have no access to credit or to technical advice as a result of the failure of public policies to provide the requisite support. For instance, abuses have been documented, whereby the buyer provided loans to the supplier and the buyer was unable to repay, or where the buyer sold inputs above market prices because of his/her dominant position.
- At a minimum, contract farming arrangements should not result in disproportionate value going to the buyer, and disproportionate risk from production being shifted to the producer. Model contracts should serve as a basis for the negotiation of specific arrangements. They should include:
 1. The setting of prices at predefined levels that shield the producer from variations in market prices
 2. In cases where the inputs are paid for by the producer, a price adjustment paid to him/her should be accounted for if there is an increase in the cost of inputs
 3. There should be a guarantee of at least a minimum income calculated on the basis of the expected output
 4. Appropriate redress mechanisms, including automatic penalties, should be in place if the buyer fails to comply with his/her obligations. This would shift risk to the buyer, but reinsurance mechanisms available to the buyer would make such forms of contract farming sustainable in the long term.'

The experience in India demonstrates a violation of the above principles, and calls for additional norms to be put in place and implemented.

⁸Schutter, Olivier De, "Agribusiness and the Right to Food", Report to UN Human Rights Council, December 22, 2009.

The Andhra Pradesh Experience in Contract Farming: Case Study

Contract Farming was introduced in the south Indian State of Andhra Pradesh as early as 1990. Though projected as a public sector initiative, known as 'The Large Scale Advanced Farm Project' (LSAFP), commonly known as the Kuppam Project, it was implemented in the Chittoor district of Andhra Pradesh and technically managed by the private industry M/S BHC Agro India Pvt. Ltd, introducing what it popularly termed 'Israeli technology.'

The project originally was to be implemented on over 200 acres (as a showcase) but finally covered 170 acres only. The estimated cost of the project was Rupees 963.67 lakh for three years. The company charged a fee of Rs. 243.54 lakh for technology transfer, Rs. 387.26 lakh was meant for infrastructure and Rs. 157.95 lakh for equipment. The cost of development per acre turned out to be Rs 5.668 lakh. The farmers did not contribute their planned share of a total of Rs 152.16 lakh, that resulted in an actual investment of Rs. 4.774 lakh per acre.

While, BHC Agro India Pvt. Ltd actually managed the project, the Government set up a front; a farmer's organisation called 'Chaldinganipalle Mutually Aided Cooperative Joint Farming Society (MACS)'. A review of the programme revealed that the farmers did not handover their lands voluntarily to the corporate body. None of the farmers knew details of the contract, though the Israeli company claimed that the demonstration was contract farming. The members of MACS were not consulted by the corporate body on any decision. Even symbolically, there was no element of cooperation.

Farming Practices: All farm operations were managed by the company including procurement of seed; weed control which was done through intensive use of pesticides; and use of heavy mechanisation. Harvesting was done by hand. Crops grown were mostly vegetables like gherkin, onion, tomato, potato, watermelon, sweet melons, capsicum, chillies, baby corn etc. The local food crops were totally eliminated. The guiding principle of farming was maximisation of crop income.

Sustainability of Production: Taking into consideration the use of heavy machinery, electric energy and its infrastructure for use of deep underground water, chemical fertilisers and pesticides for weed control etc, the production system was found to be totally unsustainable. The energy input and output showed that the system was a net consumer of energy.

Income for Farmers: It was the government, and not the company, which made payments to farmers for the lands taken over for demonstration. Farmers did not receive uniform payments. They were promised Rs. 30,000 to Rs. 50,000 per annum as lease amount. In practice however, the farmers especially Dalit farmers, were only paid Rs. 3000 in the first year and Rs. 4000 in the second year. For the third year, they were promised Rs. 10,000. This was paid only to a few large farmers. Farmers were never paid directly by the company, giving rise to speculation that tax payers' money was used to pay farmers through a government department, the District Rural Development Agency.

The Social Impact: The social impact of the project was extremely negative. Farmers were driven off their land due to government intervention, and only a few were able to work on the demonstration farms. Dalit families, instead of being offered regular employment, were hired as wage labourers. More women than men were employed at lower wages. The workers had to put in longer working hours and work more intensively in the demonstration farms.. While their daily cash wages appeared to be higher than those paid by neighbouring farmers, taking into account the nutritious meal provided for lunch and fewer number of hours of work on local farms, their wages on the corporate farms were lower. Land and labour was thus harnessed only for external markets, since none of the products could be used locally. No staple food such as cereals and pulses were grown. Related activities, such as dairy, were completely lost due to absence of fodder and agricultural by-products.

Source: Chowdry, K.R., Prasada Rao A., Venkat and Uma Shankari, "Corporate and Contract Farming in Kuppam: A Study Report by the Andhra Pradesh Coalition in Defence of Diversity", <http://www.ddsindia.com/www/kuppam.htm>, Accessed July 27, 2010.

The main lessons learned from the case study were as follows:

1. The government used private companies as a front to acquire land and make profits at the cost of farmers.
2. While the incomes per acre claimed to be higher than the average, the environmental cost and loss of other livelihoods due to corporate farming can lead to local disasters.
3. Women are forced to work for longer hours at lower wages, and this is often hidden.
4. There is a need for civil society to monitor such contracts and experiments.

Recommendation

1. In the past, it has been recommended that part of the crops grown on contract farms should be sold locally at predetermined prices. However, considering the fact that production often does not include grains or local foods, it now appears imperative to recommend that a portion of the land acquired should continue to be used to grow food for local consumption. Alternatively, legislation should ensure that only a partial plot of land be given over to contract farming, so that farmers can continue to grow food crops on their own lands.
2. Public money should not be used to subsidise corporations. It should instead be directed to small and marginal farmers to enhance sustainable agriculture and food security.

Child Labour Should be Banned in all Contract Farming Lease Agreements

A 2003 study by Sukhpal Singh examined the case of hybrid cotton seed production in Andhra Pradesh and vegetable farming in Punjab. It showed that agriculture is becoming increasingly feminised, as men move out of the sector, while women become the preferred labour type. While the new labour arrangements have led to marginal increase in real incomes, women's wages are generally lower than that of men; women work in poorer conditions; and have limited bargaining power.

One of the major problems in contract farming is child labour. The majority of child workers are girls. The cotton seed study revealed that girls as young as six worked from 8:30 am to 6-7:30 pm. There are no social security measures in place, and the children work six to nine months of the year. Children missing out on schooling and child labour under contract conditions have not been subjected to legal or public disapproval.

Source: Singh, Sukhpal, "Contract Farming in India: Impacts on Women and Child Workers", Gatekeepers Series No 111, Natural Resources Group at International Institute for Environment and Development (IIED), 2003.

Recommendation

It is recommended that child labour should be banned in all contract farming lease agreements and strictly supervised by the International Labour Organisation (ILO). This will increase real wages for adult workers and improve access to food. Girl children should be enrolled in regular schools with either access to mid-day meals or completely free residential school programmes. Access to education will improve the opportunities to earn higher wages later in life.

Experiences of Bio-Fuel Production in India

There is an increasing push to develop bio-fuel plantations in the country. In Orissa, field visits highlighted that indigenous people were deceived by private agents into giving away their lands.

Indian Oil Corporation is reported to have already acquired 30,000 hectares of land in the state of Chhattisgarh (which has a large indigenous population) and another 2,000 hectares in Madhya Pradesh. In addition, for future acquisition, they are exploring 50,000 hectares of 'wasteland' in Uttar Pradesh for plantations of non-edible oil seeds for conversion to bio-fuel.⁹ Having acquired significant acreage, the company has planted only 1,000 hectares so far.

There is a push to grow bio-fuel in thousands of acres of land. In this process, it is the poor women who are losing out. This has been our experience in India and the FAO study corroborates that.

The above situation leads to two grave dangers for women's rights:

1. Loss of public and private land will jeopardize food security for women by reducing their ability to grow food crops, and where close to forests, the ability to gather food.
2. Loss of land will increase their work burden and minimize the opportunities to earn income from other sources.

Bio-Fuel Production and Its Implications for Women's Land Rights

A Food and Agricultural Organisation (FAO) study¹⁰ on bio-fuel production and its implications for gender notes that:

1. (Bio-fuel production) may put pressure on 'marginal' lands that provide key subsistence functions to the rural poor. The report notes that the conversion of these lands to plantations for bio-fuel production '*...might cause the partial or total displacement of women's agriculture activities toward increasingly marginal lands*' with negative consequences for women, regarding their ability to provide food.
2. The study highlights that fodder and fuel wood scarcity may force women to spend more time on these activities, thereby reducing their potential to earn income from other sources.

Recommendation

To minimise damage, it is recommended that controls be put in place to ensure minimal acquisition of land rather than the national government's promotion of land acquisition for a future date. Norms should also be put in place to ensure that first priority be given to women's employment with fair wages in the plantations.

In a related development, it was reported that '*[t]he Union Cabinet last month approved a national policy on bio-fuels that aims to implement 20 percent blending of bio-diesel with diesel, and ethanol with petrol (the current rule is 5 percent) by 2017. The new policy may consider financial incentives such as subsidies and grants for bio-fuel production.*'¹¹

⁹Modi, Ajay, "IOC Wants 50,000 Acres for Bio-Fuel Cultivation in UP," Business Standard, January 5, 2010, <http://www.business-standard.com/india/news/ioc-wants-50000-acres-for-biofuel-cultivation-in-up/381690/>.

¹⁰Small, Alison, "Large-Scale Bio-fuel Production May Increase Marginalisation of Women," FAO Newsroom, April 21 2008. <http://www.fao.org/newsroom/EN/news/2008/1000830/index.html>.

¹¹Modi, Ajay, "IOC Wants 50,000 Acres for Bio-Fuel Cultivation in UP," Business Standard, January 5, 2010, <http://www.business-standard.com/india/news/ioc-wants-50000-acres-for-biofuel-cultivation-in-up/381690/>.

Conversely, the government currently provides subsidies for the production of rice and wheat in the country. A large variety of millets grown by *Dalit* and indigenous women in dry land regions, uplands, forest areas and on degraded soils do not receive any subsidies. These crops, which include more than 100 varieties of cereals, pulses and oil seeds, provide 40 percent of the country's food needs and form the basis of food security for small and marginal farmers. They are also mainly grown by women. With no subsidies in place for food crops/millets and subsidies for bio-fuels, it is likely that women farmers will be forced by their men-folk to start growing bio-fuels instead, thereby creating a huge risk of endangering food security for their families.

In the interest of preventing global warming, it may be considered necessary to shift to bio-fuels and induce production through subsidies. On the other hand, women *Dalit* farmers, indigenous peoples, and fisher folk in the country have come together to demonstrate the ability of communities to withstand global warming and promote food security/sovereignty by promoting organic/sustainable livelihood systems.¹²

SEZs Causing Loss of Land and Rights

SEZs are being set up across the country through acquisition of land for industrial use, particularly for export oriented industrialisation. A recent study¹³ highlights that in the state of Andhra Pradesh alone, 75,000 acres may have been acquired for the purpose. The study points out that:

1. Large tracts of assignment lands, which were once distributed to the poor, are being reclaimed for the SEZ. Thousands of small and marginal farmers, agricultural labourers belonging to Scheduled Caste/Scheduled Tribe (SC/ST) and other occupational communities have been dependent on these lands for several decades.
2. National Rural Employment Guarantee Act (NREGA), which provides 100 days of employment per family, is being violated in many SEZ-affected villages, with applications for work being turned down. According to the Ministry of Finance, the cumulative revenue loss from tax holidays to SEZs over the period 2004-2005 to 2009-2010 is estimated to be Rs 1,75,487 crore, an amount that could feed 50 million people.¹⁴
3. In coastal areas, fisher folk and saltpan workers have been directly affected by SEZs. While loss of land has led to irrecoverable loss of livelihood opportunities, as well as enormous social fallouts, the compensation that is handed out is patchwork, and a one-time settlement for land acquisition from the poor. The current relief and rehabilitation policies in India do not take a holistic approach to the problem of rehabilitation, for example, ensuring that people have a place to live and livelihoods, which ensure decent work and life conditions.
4. Women's loss of livelihood is neither recognised, nor compensated independently.

We need guidelines for conducting impact assessment on livelihoods when such large takeovers of land happen.

¹²“Community Charter on Climate Crisis from Small and Marginal Rain-fed Farmers of Deccan Region, Andhra Pradesh”, October 2009, <http://www.ddsindia.com/www/pdf/DDSCcommunitycharterEnglish.pdf>

¹³Maha Laxmi, S. Seetha, “Special Economic Zones in AP, Policy Claims and People's Experiences”, Rural Development Service Society, 2009.

¹⁴Rao, Rukmini V., “Right to Food and Land Rights for Women in India”, Discussion Paper for the Roundtable on Women's Access to Land and Right to Food with the UN Special Rapporteur on the Right to Food, Oliver De Schutter, March 30, 2010, http://www.gramya.org/Round_Table_on_Women_Draft_Report_Final.pdf.

National governments and corporate companies must be held accountable and asked to create independent relief and rehabilitation packages for women.

Recognising Land Rights of Indigenous Peoples

The Government of India has legislated to recognise the rights of indigenous communities to forested land. For the STs and other traditional forest dwellers, the Recognition of Forest Rights Act of 2006, currently being implemented, will lead to millions of families gaining formal rights to access forest areas, where they have lived for centuries. Community rights are also to be recognised. However, the implementation process of this law has been slow and difficult.

Currently, joint ownership papers are provided to husband and wife in each family. In this context, it is suggested that women's rights are recorded independently. Where indigenous women themselves have taken leadership, 15 percent of ownership claims have been filed by women.

Resistance and the Struggle for Survival

Communities across the country continue to struggle against displacement, loss of livelihoods and loss of dignity. *Dalit* women farmers and other marginalised communities have come up with innovative forms of resistance wherever there has been an opportunity. For example, in Eddakulapalli village, Medak District, Andhra Pradesh, women farmers resisted the sale of their lands by their men folk. Coming together in a Self Help Group (SHG) they sought the support of a local Non-Government Organization (NGO), the Deccan Development Society (DDS), to invest in land development to make their farms more productive. With small loans the group worked together to increase their production and income. They have emphasised promotion of organic agriculture by reinstalling self-reliance. Their strategy revolves around the following: emphasis on food crops/bio diversity, encouraging low cost internal inputs, biomass generation, traditional seed management, reinstalling people's confidence in their own knowledge, and moving from food security to food sovereignty based on the criterion of non-external dependence.

The DDS and the *Dalit* women have achieved food security by organising themselves to implement soil and moisture conservation works, thereby regenerating their own land. They maintain seed banks, grow more than 89 varieties of food crops, and have created an alternative Public Distribution System (PDS) by growing sorghum. The result was an increase in food, nutritional, fodder, fuel wood, livelihood and ecological security. Such efforts by women should be recognised and policy alternatives considered for supporting marginalised women to assert their human rights.

Concluding Remarks

The right to food campaign is demanding entitlements for all adults in the country, via the PDS. It demands 14 kilograms of cereals, including nutritious millets, per month at Rs 2 per kilogram; 1.5 kilogram of pulses at Rs 20 per kilogram; and 800 grams of cooking oil at Rs 35 per kilogram, with children receiving half the entitlements, and ration cards to be made in the name of the female head of the household.

Women's needs and concerns have always been excluded when households are made a unit for analysis and development. It is suggested that for all development programmes, particularly those related to ensuring land rights and food security, women should be treated as autonomous citizens, entitled to their rights.

Marginalised women working together have demonstrated their ability to secure their households' food, particularly by working on the principle of food sovereignty and growing the kind of food they want in a sustainable way. They have demanded that government policies be made people-centric and priority be given to single women, widows, and women-headed households in accessing support services and safe spaces for active participation in decision-making at all levels.

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Economic Rights that Inform Food Security

Meera Velayudhan

According to the organisation Dalit Solidarity, the latest estimates of the Government of India's Planning Commission Report of India, 2010 state that 323 million people live Below Poverty Line (BPL) in India. This indicates that 37.2 percent of the Indian population is BPL. According to the 2001 Census, *Dalits* in India numbered more than 167 million. The majority of *Dalits* live in extreme poverty and are subject to severe discrimination in all walks of life. It is thus certain that a huge majority of this BPL population consists of *Dalits* who suffer not only economical disparity but also social discrimination.¹⁵

Despite the existence of different schemes and programmes to improve the socio-economic conditions of the poor and marginalised, the plight of *Dalits* remains unchanged. It is reported that '80 percent of *Dalits* live in rural areas, 86 percent are landless, 60 percent are dependent on occasional employment and only 30 percent are literate.'¹⁶ Owing to their historical exclusion from the ownership of assets, mainstream knowledge and community resources, the vast majority of *Dalits* are landless agricultural labourers, earning their livelihood from fishing, hunting, flaying, de-skinning dead animals, or making leather, stone and handicrafts. They are also forced to live outside of the main habitation of the village.

Dalits form one-fifth to one-third of the population on the plains of India and up to one-fourth in states along coastal lines. They live in significant numbers in hilly states such as Jammu and Kashmir, Himachal Pradesh, Uttarakhand, Assam and Tripura. They are also found in the deserts of Rajasthan and Gujarat, as well as in the forests throughout India.

Continued Exclusion

The struggle to include *Dalits* in social and economic spheres is hampered due to continued social discrimination practices. Thorat states, '*in 60 percent of Rajasthan's villages, Dalits are not hired to cook mid-day meals. In 25 percent of as many as 555 villages surveyed nationwide, Dalits were paid less wages, in 35 percent they were not allowed to sell goods at the village and in 47 percent of villages they were not allowed to sell milk to cooperatives.*'¹⁷

Dalit women suffer three-fold discrimination. They are discriminated against because they are women, because they are *Dalits*, and because they are *Dalit* women. Discrimination in entitlements to resources leads to denial of rights

¹⁵"Dalit Solidarity", accessed May 4, 2011, www.dalitsolidarity.org

¹⁶Ibid.

¹⁷Sukhdeo, Thorat "The Empirical Evidence," InfoChange India, October 2008, <http://infochangeindia.org/Agenda/Against-exclusion/Dalit-exclusion-The-empirical-evidence.html>

such as the right to livelihood and civil rights, mainly through various forms of violence, thereby impinging on *Dalit* women's ability to protect and assert themselves. Lack of access to justice and protection by the law from violence experienced by *Dalit* women reinforces caste hierarchies and unequal power relations in society.

There are more women from SC communities working as wage labourers than self-cultivators. This is indicative of the lesser availability and access to productive resources among *Dalit* women. Thorat provides evidence that in 2001, there were many more SC and ST agricultural wage labourers (57 and 37 percent respectively) than there were in the non-SC/ST category (29 percent). In urban areas, there were a larger number of women from SC/ST communities (16 and 14 percent respectively) who were daily wage earners in comparison to non-SC/ST women (6 percent). The number of women cultivators, on the other hand, was higher among STs and non-SC/ST communities than in SCs.¹⁸

SC/ST women also face differential treatment in wage-earning, particularly in urban areas, where they earn lesser wages (Rs 37 and Rs 34 respectively) than their non-SC/ST counterparts (Rs 56) as daily wage labourers. Furthermore, a large number of SC women are engaged in occupations considered 'unclean' or 'ritually polluting,' like scavenging, due to caste biases. Because of their traditional association with these occupations, *Dalit* women face greater discrimination in the social and economic spheres.¹⁹

Intrinsic to these denials and exclusions of *Dalits* is violence, in particular against *Dalit* women and girls. A study of 500 women in 32 *panchayats* in 17 districts of Andhra Pradesh, Bihar, Tamil Nadu, Pondicherry and Uttar Pradesh²⁰ has shown that the most frequent forms of violence include verbal abuse (62.4 percent), physical assault (54.8 percent), sexual harassment and assault (46.8 percent), domestic violence (43 percent), and rape (23.2 percent). Other forms of violence include forced sex work, kidnapping, medical negligence, sexual exploitation and child sexual abuse. The multiple sites of abuse include public spaces, within the home, the workplace, within the perpetrator's home, and government offices, and are inflicted by dominant caste landlords, police and forest officials, business persons, goondas and thugs, professionals, those involved in politics, other dominant castes, and other *Dalit* persons. In 40.2 percent of the cases, women were unable to get justice from legal channels or from the community. Women were also prevented from seeking justice by the perpetrators, police, and sometimes by family members. Only in 1.6 percent of the cases were women able to gain informal forms of justice. The study therefore highlighted the need for government policy to take note of the intersection of caste and gender as a violation of the right to life, security and freedom from torture or to cruel, inhuman or degrading treatment or punishment.

Impact of Larger Policies on *Dalit* Women

A study on women's roles in *panchayats* in Tamil Nadu and Gujarat shows that only one-third of the 200 interviewed women were able to, with support, act with freedom to win *panchayat* elections.²¹

¹⁸Ibid.

¹⁹Ibid.

²⁰Irudayam, A., Mangubhai, J.P. and Lee, J., "Dalit Women Speak Out: Violence against Dalit Women in India", Chennai: National Campaign on Dalit Human Rights, National Federation of Dalit Women, and Institute of Development Education, Action and Studies, 2006.

²¹Velayudhan, Meera, "Cut Off by Caste," Subaltern Expression, 2010. <http://subalternexpression.wordpress.com/category/struggle/>

SEZs have also impacted the lives of *Dalit* women. The establishment of SEZs affects peasant landless *Dalit* women by displacing them from their access to agricultural work and common property land resources. *Dalits*, historically, are denied ownership of agricultural land, while the use of/access to rights for common property resources are mediated through the dominant caste/class in their villages. Newspaper reports on studies done by NGOs such as the Indian Community Welfare Organisation suggest ‘ten lakh persons were displaced due to SEZs in 2002, 25 percent were from *Dalit* families.’²² Organisations such as the Tamil Nadu *Dalit* Women’s Movement have stated that SEZs have directly affected the lives of *Dalit* women.²³

SEZs have resulted in loss of occupation and displacement. Large numbers of *Dalit* families have been forced to migrate to major cities like Chennai, which has had long-term repercussions on their access to productive resources, employment opportunities and general health and well-being. Two lakh *Dalit* families have moved to Chennai over the last two years due to the displacement in their villages, as estimated by Vasantha from the Coastal Women Development Movement. *Dalit* women suffer in the villages and live the lives of single women, at the receiving end of poverty and social discrimination. Joblessness has meant that *Dalit* men leave the villages in search of employment, and *Dalit* women continue to stay behind as part of the agricultural labour force. Nalini Ravichandran points out that the migration of *Dalit* men to the cities has caused insecurity for *Dalit* women, who face rigid social discrimination in the villages. The government’s promise of allocating five percent of land to *Dalits* has not been fulfilled. These women, who earlier fought patriarchal discrimination, now face extended discrimination of denial of sufficient food and health care.²⁴

Dalit girls are drawn to private (national and international) companies that invest in SEZs, and that have been constructed after displacement of rural communities from agricultural land and common property resources. Companies such as Reliance, Nokia, Hyundai and Samsung have invested in these zones and established huge factories along the super highway that connects Chennai, Kancheepuram and Bangalore. These new factories employ not only skilled workers, but also manual labour from *Dalit* villages, mostly young women and girls. Village *panchayat* members also play a role in recruiting *Dalit* girls and young women for these factories, and company buses come every morning to transport them to their work sites. Most *Dalit* girls thus forgo their education, since poverty forces each member of the *Dalit* household to contribute and earn for the survival of their households. Almost all *Dalit* women workers enter the labour market before attaining adulthood. 20.31 percent of all girl children from *Dalit* communities are child workers. Female labour is needed both in agriculture as well as in the household, and daughters are the first to be denied education, or forced to drop out from school. Thus, there is a higher drop-out rate for *Dalit* girls at all levels, and over 83 percent drop out of school at the secondary stage. In addition, women are the ones who mainly take responsibility for cleaning, maintaining and running a household and, in fact, 70 to 75 percent of *Dalit* households are female-headed due to factors such as migration, desertion and displacement. Given that an average of 70 percent of *Dalit* households have no electricity and more than 90 percent have no sanitation facilities, *Dalit* women and girls have to spend a great amount of energy doing household labour, walking long distances to collect food, fodder, fuel and water.²⁵

²²Ravichandran, Nalini, “Landless Dalit Women Worst Hit by SEZ,” Indian Express, April 7, 2009
<http://expressbuzz.com/Cities/Chennai/landless-dalit-women-worst-hit-by-sez/56130.html>

²³Ibid.

²⁴Ibid.

²⁵Ibid.

The multilayered nature of the caste system informs not only the social but also the economic and occupational aspects of the lives of *Dalit* women. Their occupational patterns are impacted by rights to resources such as land and credit, access to education and modern skills, and restrictions on labour mobility. Several village studies point to the exclusionary tactics in the hiring of labour and low wage rates, the discrimination being greater for *Dalit* women than men.²⁶ According to an ILO report, with limited access to education, training, resources including land and credit, *Dalits* are generally not considered for any work involving contact with food and water for non-*Dalits*.²⁷ They also face discrimination in a wide range of work opportunities both in the public and private sector. A persistent form of discrimination in South Asia has been caste-based discrimination, according to the report, pointing to the continuing practice of *Dalits* being engaged in the most menial jobs of clearing excreta or removal of dead animals. Thus, social origin becomes a powerful obstacle in achieving equal opportunity, not only in highly stratified societies but also where social segmentation is less rigid, since action to overcome this barrier covers a range of sectors and policy measures which need coordination and competence in different areas of government.

The study conducted by Action Aid India (AAI) states that in 36 percent of the villages surveyed, *Dalits* were denied casual work in agriculture. Denial of water sources (wells, ponds, tube-wells etc.) and restrictions on access to Common Property Resources (grazing land, fish ponds and other resources) in 21 percent of the villages, affected *Dalit* women's entitlements to medicinal and food plants for survival of their households, which increased the burden of household tasks. Sale of vegetables and milk in the village cooperatives, or to private sellers by *Dalits* was also denied.²⁸

A study of water accessibility in eight villages in Gujarat indicates the hardship and humiliation that *Dalit* women face in collection of water.²⁹ *Dalit* women wanted separate water spots or sumps to avoid quarrels at the time of collections. In the village of Kanpar, at the time of water tank allotment, a separate tank was allocated to *Dalits*. After a few years, when the upper caste women saw that *Dalit* women collected more water in less time, since their numbers were small, they began to push aside *Dalit* women, forgetting their rituals of purity and turning the tap into a 'general' tap, with *Dalit* women having to stand aside. Studies conducted in the same villages in the 1970s and late 1990s point to the persistence of the practices of denial of access to water resources.³⁰

The Public Distribution System (PDS) and Mid-day Meal Scheme (MMS) for school children assume significance for *Dalit* women in ensuring the survival of their households and education of their children, in particular, their daughters. A survey conducted in 531 villages of five states of Rajasthan, Uttar Pradesh, Bihar, Andhra Pradesh and Tamil

²⁶These include an all-India 2000 Action Aid study ("Untouchability in Rural India" by Ghanshyam Saha, Satish Deshpande, Sukhadeo Thorat, Harsh Mander, Amita Baviskar and research and other regional staff, Delhi), a study on Karnataka (1973-74 and 1991), Andhra Pradesh (1977), Orissa (1987-88) and Gujarat (1996). The all-India study presents evidence from 11 states. The studies based on village surveys bring out the actual magnitude of the exclusion, discrimination and atrocities against Dalits.

²⁷"Equality At Work – Tackling the Challenges," ILO, 2007. http://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/—webdev/documents/publication/wcms_082607.pdf

²⁸"Untouchability in Rural India" 2000, Action Aid India.

²⁹Soni, Jayashree, "Water Accessibility and Marginalisation of Dalits: Some Observation of Rural Gujarat," Centre for Social Studies, 2006, http://www.ielrc.org/activities/workshop_0612/content/d0618.pdf

³⁰Velayudhan, Meera, "Dalit Women Organise Against Caste Gender Discrimination," People of Color Organise, <http://www.peopleofcolororganize.com/organizing/dalit-women-organize-caste-gender-discrimination/>

Nadu exposes patterns of caste-based exclusion and discrimination in the government's MMS and PDS.³¹ In Rajasthan and Tamil Nadu, MMS is predominantly available in dominant caste localities. In Uttar Pradesh, the distribution of dry grain among government school children is in dominant caste localities in 90 percent of the respondent villages, while in only 10 percent of the villages is the distribution conducted in *Dalit* localities. Access can also be conditional and depend on the state of inter-caste power relations in the area. Often, *Dalit* children's access to MMS is cut off by dominant castes' assertion of power. The opposition to *Dalit* cooks, mainly women, also represents a power struggle over livelihood rights; for example *Dalit* entry into new livelihood domains such as government employment as MMS cooks at the village level.³²

As Thorat suggests '*Social and cultural sources of exclusion (in economic, civil and political spheres) are rooted in informal social structures and institutions of caste and untouchability covering not only the private but public domain governed by the state. In this context, the inclusion of excluded groups is different from the social inclusion of materially deprived people. Poverty, even when broadly defined as exclusion from the means necessary for full participation in the normal activities of society, is largely a question of access to resources and services.*

*The social exclusion of groups or individuals within that group is foremost a denial of equal opportunity, respect and recognition of the right to development. Fighting discrimination therefore calls for additional policies complementing anti-poverty and economic development programmes. But there is also considerable overlap, and therefore the need to combine and complement, rather than divide, programmes against poverty and economic deprivation and policies for equal rights and social inclusion of disadvantaged groups.*³³

In India, everything depends on the Public Distribution System in terms of food. The *Dalit* groups have done a study and shown how access to PDS is mediated by caste politics. So one can be denied that access.

Recommendations

1. The government has promised to distribute land for the landless. Although this has been the policy since the 1960s, very few *Dalit* women have received such land, under joint titles or as individuals. The National Commission on Land Reforms has suggested supportive measures for retention and sustainability of small plots of land, which need to be implemented through construction of relevant mechanisms, designing programmes and earmarking of funds.
2. The government has announced programmes for minor irrigation for all lands/plots owned by *Dalits*. However, this programme should include an incentive that such lands/plots are given joint titles, and that female-headed households/single women are given priority. The other programmes include short-stay homes and help line services to be arranged by the Central Social Welfare Board, although no clear monitoring mechanisms are spelled out.

³¹Sukhdeo, Thorat, & Lee, Joel, "Caste Discrimination in Mid-day Meals, Focus on Children Under Six," Abridged Report, 2006, p. 51, <http://www.righttofoodindia.org/data/rtf06focusreportabridged.pdf>

³²Velayudhan, Meera, "Dalit Women Organise Against Caste Gender Discrimination,"

³³Sukhdeo, Thorat, "Caste, Social Exclusion and Poverty Linkages – Concept, Measurement and Empirical Evidence," October 2008, www.empowerpoor.org.

3. Although there are the two main laws on civil rights and prevention of atrocities, there is a need to complement this with legislation promoting rights to training, education, higher education, employment with specific allocations and implementation of mechanisms. There is also a need to set up equal opportunity offices in educational and other institutions in the public and private sectors.
4. Support should be given to SHGs in the form of funding and training through the Rashtriya Mahila Kosh (RMK) that had been set up in 1993 as a registered society by the Department of Women and Child Development, for promoting the provision of microcredit to poor women for income generation activities or asset creation. Need assessments must be included in the funding design and training programmes conducted through RMK.
5. An estimated 800,000 *Dalit* women today clean latrines/remove night soil by hand despite the ban on manual scavenging. Although *Dalit* male household members may have an opportunity for 'upward mobility' as sweepers in municipal corporation offices and government hospitals, the women and girls from such communities continue work in manual scavenging. In 2009, the government announced that it would end this practice by 2010. It also announced 100 percent (as opposed to the earlier 50 percent) pre-matric scholarship, attention to retention in schools and quality education in addition to self-employment schemes for manual scavengers, training, extension of loans, and subsidies, which are provisions of the Mission Mode approach. A similar mission such as the National Literacy Mission also should be promoted for *Dalit* women.
6. (a) In the SC (*Dalits*) Sub-Plan, the fund allocation for 2007-2008 was 8.12 percent of all plan allocations. However, this was reduced to 7.07 percent of total plan allocations in 2008-2009. Also, there is no monitoring mechanism and no public report has been produced since the inception of this sub-plan in the 1970s.
 (b) Allocation increases for enterprises by *Dalits* and, in particular, *Dalit* women in finance and development corporations should be provided.
7. The Central Government decided to set up a special cell for addressing *Dalit* women's concerns in 2009. However, this unit has been set up, not within a government department or ministry, but in the National Commission for Women, which is not a statutory body. Locate this cell within the Ministry for Social Justice instead.

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Women in Subsistence Agriculture: Vital Producers Still Food Insecure

Sejal Dand

It is well established that the majority of women workers in rural India are engaged in agriculture, largely as subsistence farmers, farm workers, labourers and some as farm managers. Almost all primary processing, storage and cooking of food at the household level is done by women in rural households. It is women's subsistence farming on rain-fed marginal lands that produce one-half the food grains and three-quarters the pulses in rural India. Starvation is averted in millions of houses everyday by women managing their backyard poultry, goat rearing, growing vegetables on homestead lands, and collecting tubers foraged from commons.

Allowing for regional variations, women are seen working extensively in the production of major grains and millets; land preparation; seed selection and seedling production; sowing; applying manure, fertilizer and pesticide; weeding; transplanting; threshing; winnowing and harvesting. Invariably, rural farms combine agriculture with livestock production, fish processing, and collection of Non-Timber Forest Produce (NTFP) where once again, women's engagement is multi-tasked.

Likewise, in animal husbandry, women have multiple roles, ranging from animal care, grazing, fodder collection and cleaning of animal sheds to processing of milk and livestock products. Keeping milch-animals, small ruminants and backyard poultry are important sources of food and income for poor farm families, as well as landless and agricultural labourers.

Yet, it is this vulnerable segment that is most undernourished, anemic and among those with the least food security. Indeed, there exists a close kinship between women farmers' rights to land and related productive resources and their vital role in subsistence economies, through their many-tasked livelihoods. It is here that their right to food security remains critical. Violation of one right leads to the associated violation of the other rights, especially against the backdrop of protracted denial of access, ownership, control and management of productive resources.

Despite their predominant role, women remain unacknowledged as farmers and agricultural workers since they do not have independent access, ownership or control over land. Further, access and ownership of land is directly linked to all other related resources to agriculture such as irrigation, credit, technology and markets. Claims made by women for their rightful ownership to land are a cause of different forms of violence against women ranging from emotional blackmail and physical harassment to desertion and actions that might even lead to death. Witch hunting is often a measure resorted to in alienating women from their land rights. Even where legal rights are prevalent, the denial of land rights continues to be enforced socially, with the tacit consent of the state, thereby leading to the denial of livelihoods and to life itself.

In effect, you are not recognizing what is happening on the ground and therefore denying her access to all other forms of support that are required by her for cultivation. So, as women farmers, any land rights use requires the title and the use of right. Gender discrimination in access, control, ownership and management of resources begins at the household level and is further perpetuated by gender-blind programmes and government policies on food and livelihoods.

Lands: Sites of Play for Patriarchies of Family, Community, State and Markets

At the ground level, there is continuous denial of access to all other forms of support that are required for cultivation of land by women—a reality that has received little recognition. 86 percent of all arable land in India is privately owned³⁴, and poignantly, women only constitute 9.5 percent of all land holders in India.³⁵ For women farmers, land rights mean the title and the ‘use of right.’ The ‘use of land’ also needs to be legally registered or recognised by a legitimate authority with the provision of official documents, which are necessary to prove the title of ‘farmer.’ Gender inequities in access to land, be it through inheritance, land transfer by the government, or land markets operate through a complex web of laws, social sanctions and gender blind policies and programmes. The following section examines briefly the policy and laws that govern these institutions and how they translate into practice.

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Access to Land through Inheritance: Women’s Property and Use Rights in Family

The Hindu Succession Act

In much of India, inheritance by tradition has always been patrilineal—property is passed through the male line. Matrilineal communities exist in limited numbers and are found in some regions in northern and central Kerala in South India and Meghalaya in the North East. Personal laws vary according to religion.

While the 1956 Hindu Succession Act³⁶ that governs Hindus has enshrined certain rights for women, this has remained more in precept than in practice. For instance:

1. Article 6 [1]: the daughter of a coparcener shall i) By birth become a coparcener in her own right in the same manner as the son; ii) Have the same rights in the coparcenaries property as she would have had if she had been a son; iii) Be subject to the same liabilities in respect of the said coparcener property as that of a son.

The law is falling short of protecting women’s land rights.

³⁴UN FAO Gender and Land Rights Database, “Prevailing Land Tenure Systems: India: Full Country Report,” <http://www.fao.org/gender/landrights/report/?country=IN>

³⁵UN FAO Gender and Land Rights Database, “Key information: India: Full Country Report”, <http://www.fao.org/gender/landrights/report/?country=IN>

³⁶“The Hindu Succession Act 1956”, Government of India, accessed May 4, 2011, <http://125.16.62.44/intranet/eip/legislation/uploads/Hindu%20Succession%20Act%201956.pdf>

In practice however, daughter's shares are never given and the provision rarely enjoys social sanction. In spite of legal right, there are no explicit policies that ensure that the executives of law play proactive roles in upholding the legal rights of daughters, whose names are mostly barred during succession, or that penalties are imposed on executives who have been party to denying women their rightful share in land.

2. Article 6 [2]: Any property to which a female Hindu becomes entitled shall be held by her with the incidents of coparcenary ownership and shall be regarded as property capable of being disposed of by her by testamentary disposition.

In practice, it is often seen that when married daughters' names are included due to prevalence of law, emotional pressure is put on married daughters to sign away their rights to land if they want to continue to maintain 'good relations' with their brothers/parental homes. This prevents women from claiming their rights, since access and support from the parental home is the first refuge of women escaping marital violence. 40.2 percent of cases of married women who reported incidents of spousal violence sought first refuge in the parental home as reported by the National Family Health Survey (NFHS).³⁷

3. Article 6 [3] [a] provides that the daughter is allotted the same share as is allotted to a son.

A study conducted by Working Group for Women and Land Ownership in Gujarat on the status of women's land ownership (2004, unpublished) shows clearly that daughters, when given their share, receive less and more of degraded lands when compared to sons.

4. Article 10 states that the property of an intestate shall be divided among the heirs in class I of the schedule in accordance with the following rules: i) The intestate's widow, or if there are more widows than one, all the widows together, take one share; ii) The surviving sons and daughters and the mother of the intestate shall take one share.

Denials are common in society, where young widows are thrown out of their houses forcibly just days after the death of their spouse to prevent them from claiming their right to the land. Male members of extended families take over the lands by harassing childless women or women who have only daughters, while even daughters who have no male siblings and are in matrilineal marriages face physical threats or are hunted as witches forcing them to abandon their lands.³⁸

5. Article 30 states that any Hindu may dispose of by will or other testamentary disposition any property in accordance with the provisions of the Indian Succession Act, 1925, or any other law for the time being in force and applicable to Hindus.

In case of testamentary succession, the Act grants testators absolute freedom of will, i.e. no necessary inheritance share is reserved for family members. The resistance to women's land ownership plays out by using this provision to disinherit widows and daughters from self acquired property.

Muslim Personal Law and other Religious Acts

The 1937 Muslim Personal Law Shariat Application Act and the 1986 Muslim Women's Protection of Rights on Divorce Act govern Muslims in India. Christians and Parsis are governed by the Christian Marriage Act and the Parsi Marriage and Divorce Act respectively.

³⁷"National Family Health Survey, India", accessed May 4, 2011, www.nfhsindia.org. <http://www.nfhsindia.org/pdf/India.pdf>

³⁸UN FAO Gender and Land Rights Database, "India: Full Country Report," <http://www.fao.org/gender/landrights/report/?country=IN>

1. Article 2 states that Sharia law shall apply to intestate succession and personal inherited family property of females between Muslims. It explicitly excludes inheritance of agricultural land from the scope of the Act. However, some states have extended the Act to agricultural land.
2. Women's inheritance share is half of men's in the same succession position. While Islamic law restricts women's inheritance, it does entitle women to direct inheritance rights.

In the Indian legal system, practitioners often lack knowledge of Sharia, leading to Muslim women being governed by prevailing customary practices, which vary across regions; sometimes even between different communities within the same village.

Apart from pockets with matrilineal societies in the North East and Kerala, or within enlightened families where women have been able to realise their right to land, the majority of women are faced with a lack of mobility; economic dependence; lengthy and expensive legal procedures; a lack of social, political and legal support; and the threat of violence that prevents them from asserting their right to land or exercising control over the disposal of the land or its produce. Furthermore, women with property rights are often less susceptible to domestic violence and are more frequently able to choose to leave a violent environment than women whose property rights are not guaranteed.

Access to Land through Land Transfer by the Government

Indian legislation on land rights instated a land 'ceiling' for each household of up to five members, allowing additional land only for larger households and considering adults and children as separate units. However, in many states, such as Bihar and Andhra Pradesh, only adult sons, and not daughters, can be counted as separate units. Kerala is an exception, as it allows both unmarried adult sons and daughters to be considered as separate units.

Women's land ownership would become easier to monitor if an entry recording the sex of the landowner is included in the government database. Paradoxically, 75 percent of female landholders, who are small and marginal farmer owners, get excluded for entry in government records owing to the Land Fragmentation Act which prevents them from having independent land titles.

Women's Land and Livelihoods: Making Small Farms and Homesteads Viable

During the current decade, the pace of landlessness has increased. Of greater concern is the declining size of farms. Compared to 56 percent of the population who had less than one hectare of land in 1982, 70 percent of farmers own less than one hectare in 2003. The primary subsistence of most rural households continues to come from rain-fed small and marginal farms. As men migrate in search of employment to urban areas, it is women who single-handedly manage their subsistence farms.

Women have learned to cope with poverty through a diverse set of livelihood activities: farming during monsoon if they have access to land, growing vegetables on their homestead lands, raising backyard poultry, rearing small ruminants for emergency cash needs, collecting forest produce, foraging from commons for edible plants, fishing from accessible water bodies and performing wage labour for cash incomes. Pertinently, women's control over decision making is greatest on homestead lands that provide for household food and other needs. Yet there is no formal title associated with this land in the woman's name. Nor do women enjoy any investments in terms of irrigation, credit, tools or technology for their farming activities

Women's livelihoods and lives in subsistence agriculture continue to be besieged with paradoxes. At one level, the Indian National Policy for Farmers (2007) recognises all those who work and produce on land and water as farmers. But neither the laws of society and state, nor the rules and procedures of financial and technical institutions have provided an enabling environment for women to claim their rights. Only landowners are recognized as farmers. Consequently, lack of women-farmers' access to an entire gamut of services, and therefore control over their livelihoods, has only placed them at the periphery. Amidst all this is the increasing emphasis on intensive production on small farms, regenerative agriculture, and cultivation of traditional food like millets and pulses which are not water intensive and can be produced in rain-fed land to ensure food security. All this comes at a time when the market price of food has spiralled and is out of the reach for the poor.

It is the first time I begin to understand why many Acts are not effective in ensuring improved access to land for women and various strategies which are used in order to circumvent the legal requirements in this respect. Is there any document or study report on the inability of the law of the Hindu Succession Act 1956 that needs an effective change? For me this is a very emotive issue.

Olivier De Schutter

Women farmers who have endured household poverty, with their livelihood pursuits could offer solutions to food security. The moot point is that food security for women is not just for women alone but most vulnerable groups such as children and elders left in their care. The debate is about how best to give special incentives to women to purchase land from markets, provide a policy environment to gain independent identity and entitlements as farmers and extend investments to support their land-based livelihoods.

The following measures can begin to correct this injustice and lay the foundation for food security for the most vulnerable sections of our society.

1. Make available gender segregated data on land access and ownership that allows for monitoring and recording of titles. In spite of digitalisation of land records, no gender disaggregated data is available on women's land ownership.
2. Protect land rights of women by creating barriers for transfers of women's land rights to male heirs, and institutionalize a penalty for fraudulent means of alienating land rights.
3. Enforce joint registration of marital property where both partners are coparceners. Daughters should also have equal rights as sons as coparceners.
4. Separate and independent ownership of land rights of women, particularly single women, without denials on basis of 'viability' of land size. Registration of homestead lands should be in the names of women only.
5. Promote women's right to land through incentives in investments, and access to irrigation.
6. Land use policy must ensure that land is prioritised for food production and rural women's existing livelihoods for food security through intensive sustainable agriculture practices.
7. Remove discrimination in land allocation and rehabilitation policies; adult woman in the household should be considered the head of household.
8. Land distribution to prioritise allocation to women's collectives and the landless.

The first principle of the right to food campaign is respect for existing livelihoods.

9. Reserve commons for land-based livelihoods and restore formal usufructuary rights to women. At least 30 percent of all lands in a village should be reserved as commons, with women's independent access, without mediation from family and/or institution.
10. Promote and encourage alternate forms of land ownership: Agricultural collectives and land-based livelihoods.
11. Women farmers having equal access to irrigation, technology and institutional credit, irrespective of their formal land titles, is an essential primary step until the time that women's right to land is fully realised.
12. Recognise women's knowledge in sustainable use of resources for food security and enable women farmers' access to information, markets and technology in forms relevant to them.

I learned a lot about the bias against subsistence agriculture despite its vital importance. The term 'vital' is not excessive. It is of vital importance to allow families to continue to produce food in order not to depend entirely on market prices for feeding themselves.

Olivier De Schutter

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Discussion

The discussion in this session covered a range of issues- arguments in favour of and against jatropha cultivation; the validity of the argument in the Indian context that bio-fuels support electrification and hence alleviate the burden on women; the demand for individualized rights rather than working with the household as a unit; the functioning of NREGA; the bias against small production units and subsistence agriculture; and entitlements of tenants to state support.

The major issues are summarized below.

- In India, though some rural electrification has occurred, jatropha has not been used anywhere to electrify communities and bring electricity to remote locations. Bio-fuels are grown to serve as additives to fuel, diesel and petrol in order to change the composition of the oil. At the moment therefore, it is completely market oriented. There is no good experience from the ground so far on jatropha being used for the benefit of communities.
- The Right to Food campaign took the position that women be recognized as heads of the household. Technically, women are food producers and consumers. While it is the women who feed, cook and clean, and the household is managed almost entirely by women, the head of the household in India is always a man. India has a history of good legislation but poor implementation on the ground. Under NREGA, all families who demand work do not get 100 days of work in a year. In West Bengal, there have been instances of people having worked for only three to five days in two years. The denial of right in SEZ areas works in a very obvious and subtle way. People write and ask for work, but the administration does not respond and the execution is delayed on the ground that this is not the right season. For example, work stops during the monsoon, creating multiple delays. Poor families cannot afford to wait for work. There are different kinds of tactics, including both acts of omission and commission that are employed by the administration to delay work.
- Poor Indian women have always worked outside the house. They work on their farms during one part of the year and take up wage labour for the rest of the year. It is not true that NREGA has suddenly released women from their homes. NREGA has helped women increase the wage rates in the community. A positive impact of NREGA is that it provides for equal wages for men and women. This has broken down the thinking that women should always be paid less than men, has pushed up wages in general and has improved the situation of women. One major problem is that creches have not been provided for women, because of which, women with small children are not able to utilize 100 days of employment. This is a denial of their right.
- The existing bias against subsistence farmers is because they are out of the market economy. Subsistence farmers do not purchase seeds from outside; they normally grow their own seeds and use very little chemical fertilizers. The majority of the women cultivating homestead lands do not have independent titles to those lands. Even in cases where the family is willing to recognize such titles and the community sanctions to a widow a piece of land for her survival, women are not recognized as legal title holders. The government of India gave away Rs 60,000 crore for indebted farmers. Women farmers, however, obtained money for agriculture through microfinance institutions, and therefore had to pay the full recovery. But all the larger land owners actually got away with the subsidy. This is how the land right bias works—in effect there is nothing to offer women.

Forests: A Resource for Women

Equitable distribution of natural resources and judicious use of available resources are critical in ensuring the right to food of communities, especially indigenous communities. Degradation of the environment and impacts of global climate change have exacerbated the existing levels of deprivation with regard to food. Improving people's access to productive resources will reduce their vulnerability to hunger. There were three presentations in the second session of the roundtable. The issues discussed covered a wide range of themes including women's judicious use of available resources, the brunt of environmental degradation on women, women as repositories of knowledge, the need to ensure effective participation of women in decision making structures and natural resource management, the denial of adivasi women's right to land and productive resources, the need for reform in traditional governance institutions, tribal women's rights to land and customary laws and adaptation mechanisms of indigenous communities and women to the impacts of climate change.

Women in Matriliney Losing Grip Over Land

Patricia Mukhim

Women Want Farmland for Food Security

Throughout the world women manage subsistence, family, and household needs on a daily basis. This also holds true for the North-East, where farming is still largely an activity undertaken by women, from sowing seeds to transplantation of rice and other crops. Where mechanical harvesting is not possible, men and women manually harvest crops, and tasks such as the de-husking of rice and processing and packaging turmeric are primarily undertaken by women.

This huge contribution made by women to the farming process has received little attention in policy formulations of the state and parastatal bodies. Large sections of women farmers have no access to training or seeds, despite the fact that women have been the most diligent stewards and managers of local resources that provide food security for future generations. Women have been nurturing, conserving and maintaining the equilibrium in nature without demanding anything in return. What they want is enough farmland to continue with multi-cropping activities to ensure that there is food for the family.

Conservation versus Commodification

Very few women have actually graduated to large scale farming to produce crops and vegetables for the market. Women in this part of the world depend a lot on NTFP, for example, mushrooms, edible herbs and medicinal plants. It is to their advantage that forests continue to remain lush, green and productive. But there is a strong internal clash of interests between members of the tribe: those who see forests as a commodity (to be converted into timber) and those who appreciate the concept of 'biodiversity' and the interdependence of all life forms, especially those that rely heavily on forests.

If women collect fuel for domestic use, they do so judiciously. We will find them pollarding the branches but never felling a whole tree. Women are also well aware of the fact that forests protect our water sources and are our watersheds. In the coal mining areas of Jaintia Hills and West Khasi Hills in Meghalaya, where forests have been degraded through rat hole mining, drinking water sources have dwindled. A study undertaken by the author in coal mining areas indicates that women now have to travel over two kilometres for a pot or bucket of water. This chore takes away much of their productive time.

The greatest irony is that tribal lands in the North East, which could be carbon sinks serving the population of the rest of the country, are being exploited for coal and limestone mining. The Union Government is also looking at uranium mining, which has radioactive consequences on land, pollutes water sources and can be harmful for humans

and other life forms. This constant warfare between avaricious merchants, the state, and native population is taking a toll on livelihoods because productive land is dwindling.

Climate uncertainties have troubled the farming communities here as much as elsewhere. But women have not complained. They have merely moved on from one crop to the next. For instance, in recent times, unseasonal rains have reduced productivity of some vegetable crops and improved that of others, including fruits. Women have adapted by growing high yielding varieties of vegetables and crops. They have also diversified to fruits such as strawberries, which have a ready market outside the state. Many have also gone in for floriculture.

Assessment Mechanisms

It is imperative to strengthen and establish mechanisms at all levels to assess the impact of development and environmental policies on women. There is, as we know, a complex correlation between poverty and environment. High levels of poverty are generally accompanied by high levels of environmental degradation. People living in poverty often have no alternative but to exploit their natural environment in a destructive way.

Science and Technology Excludes Women

Whenever farming gets mechanized, women get marginalised. This is because science and technology tends to exclude women instead of involving them in planning for women-friendly farming appliances, kitchen implements as well as time and energy saving gadgets. Environmental education should be expanded to cover rural areas, and women have to be mobilised into environmental protection forces.

As previously suggested, the year round collection of minor forest products and herbs by women has traditionally provided extra income, valuable nutrition and medicinal support. As women operate in a labour intensive and non-monetised economy, they have become victims of profiteers, middlemen and also the men in their families. Ruthless exploitation of forests means loss of income, as well as food and nutrition. When government authorities fail to provide clean water supply, sanitation and garbage collection systems, women suffer the most. Women are therefore the direct victims of environmental degradation and increasing pollution.

Repositories of Knowledge

Women are also the repositories of indigenous species of rice seeds. With the uncertain climatic scenario, these seeds will be required for their resilience and tolerance to climatic vagaries and temperature fluctuations. This is another area that has not been recognised yet by the state as integral to food security. There is no effort to institutionalise the conservation of indigenous seeds. This shows us how slow the process is for women to get recognition for the services they render to sustain life on earth.

The irony today is that the North East is a region where the fertility rate is very high on account of early marriages or teenage pregnancy. These factors impinge greatly on women, especially since access to health care is dismal. A study conducted by Martin Luther University, Shillong, revealed that close to 70 percent of people in villages depend on traditional health care. Incidentally, quite a large number of indigenous health care providers and dispensers of traditional medicine are women.

Women, therefore, play a very significant role in maintaining the equilibrium of nature, because it serves them in the long run. But these traditional knowledge systems are not documented, nor are women given the space and resources to share and document this knowledge for future use.

Few Women in Decision-Making Bodies

The fact that there are few, or no women in decision-making bodies in the government and other Public Sector Units (PSUs), such as those in charge of power generation that intend to create thousands of dams in the virgin hills, makes it difficult to push a women-friendly agenda forward. There is an absolute lack of a gendered discourse in these institutions. Power industry bodies speak only about power generation without considering the consequences and the destruction of other natural resources.

In the North East, the majority of women, busy as they are with their daily lives and livelihoods, are silent observers to the many destructive processes to their habitat and environment. Women must come forward to voice their issues and concerns, and push for advocacy agendas that have an impact on policy.

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Denial of Adivasi Women's Rights to Land and Productive Resources

Praveer Peter

Several constitutional provisions exist to protect the interests and rights of tribal communities. Yet, these very laws have been interpreted in various ways to circumvent the fundamental rights of *Adivasi*³⁹ women to their land and productive resources. Protecting the interests and rights of *Adivasis* and *Adivasi* women, who have been deprived of much of their productive resources, is a responsibility of the state.

Constitutional Provisions for Tribal Autonomy

The Constitution of India safeguards tribal autonomy in the administration of Scheduled Areas (SA) and Tribal Areas (TA). SAs are those formally demarcated areas which have a predominant tribal population. The provisions of the Fifth Schedule apply to all SAs and STs other than in the North East⁴⁰, which is covered by the Sixth Schedule.⁴¹

The Fifth Schedule specifically provides for the constitution of a Tribes Advisory Council (TAC) of no more than 20 people in states with SAs; as well as states where there are tribes but no demarcated SAs. Three-fourths of this council should constitute ST members from the Legislative Assembly. In the absence of sufficient MLAs, there can be other representatives from among the tribes. The powers of the TAC are restricted to advising on matters referred to them by the governor, who has wide-ranging powers; taking his advice is mandatory for making regulations applicable to SAs. For instance, sub-section two of section five in the Fifth Schedule states⁴²

'The Governor may make regulations for the peace and good government of any area in a state which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may:

- *Prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such areas;*
- *Regulate the allotment of land to members of the Scheduled Tribes in such areas.'*

³⁹*Adivasi* is a popular term used in India to refer to members of a tribal community.

⁴⁰The North-East is a geo-political region in the extreme north east of India comprising the seven states of Assam, Meghalaya, Manipur, Tripura, Mizoram, Nagaland and Arunachal Pradesh, and Sikkim. They are predominantly tribal states with Sino or Tibeto-Burmese languages and ethnic culture and religion and history distinct from other parts of central and mainland India.

⁴¹Sixth Schedule, Article 244: "Administration of Tribal Areas and Scheduled Areas," Constitution of India, Part X – The Scheduled and Tribal Areas. The Sixth Schedule of the Indian Constitution contains provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram. It was launched in the 1950s to give extensive powers to small tribal communities in order to protect their land and tribal traditions through the system of autonomous district councils.

⁴²Fifth Schedule, Article 244 (1), "Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes," Constitution of India, Part II, Section 5 - Administration and Control of Scheduled Areas and Scheduled Tribes, URL: <http://www.education.nic.in/articles/fifthschedule.htm>.

Systematic Land Alienation

Tribal communities mostly reside in mineral belts of the country, and have been most prone to systematic displacement. History shows that over the last 50-60 years, 50 percent of all displaced people have been from tribal communities. Money lenders and religious institutions, amongst others, have systematically alienated tribal land. In the recent times, industries have been given the power (which must be curtailed) to survey land on their own, which has vastly jeopardised Adivasi livelihoods. No mineral industry should be allowed to enter tribal belts for conducting surveys without government permission. Further, before sanctioning projects, state governments must consult and not bypass local gram sabhas, and the decisions of these bodies should be respected.

State legislation clearly states that no tribal land can and should be alienated by non-tribals. District Collectors, who are authorized to return these lands, should exercise their authority with greater rigour, revisit pending cases of the past, as in the 1980s, and bring them to a just conclusion. It must be reiterated that the state holds the prime responsibility of protecting the interest of its people and Adivasis, and any resistance taking place should be dealt through dialogue and consensus building. There should be no land alienation and state repression should stop.

With such wide-ranging powers, the governor of the state can direct the applicability or non-applicability of certain laws to SAs; he/she can modify these laws; make regulations for SAs, particularly in matters relating to land transfers from STs; allot land to STs, and lend money. While doing so, the governor can repeal or amend any law passed by the Parliament or the state legislature.

In practice, the impact of the Fifth Schedule has been very disappointing and can be directly linked to the disappointing human development indicators for *Adivasis* in India. The TACs hardly have any legal 'teeth.' Laws applicable to the rest of the state are routinely extended to SAs, and governors rarely exercise the powers vested in them.

Urgent Need for Reform in Traditional Governance Institutions

The headmen of tribal communities enjoy extraordinary powers, which have to be curtailed if communities themselves are to gain greater control. This is possible through effective implementation of the *Panchayat Extension to Scheduled Areas Act 1996 (PESA)* and formation of *gram sabhas* (village councils).

The Fifth Schedule gives powers to the village council, but in many areas driven by self-interest, the male-dominated tribal councils have themselves been privatising common properties. Given the tendency for village headmen to usurp the rights of the community over land, community-level institutions are needed to reinstate traditional rights and to provide a check on the arbitrary use of power by headmen.

Provisions on Transfer of Tribal Lands:

Many Loopholes

There are adequate laws in place to protect the land rights of tribal men and women, and prevent the transfer of tribal lands into non-tribal hands. However, several loopholes have been found to circumvent these rights.

The Chotanagpur Tenancy Act 1908 (CNTA)⁴³

Section 46 of the CNTA imposes a complete ban on 'sale of right' in holding any portion by a ST to a non-ST. This section has undergone many changes since 1908. It permits temporary alienation of the land belonging to the *Adivasi* from non-tribals in two cases:

- (i) Mortgage or lease for the period of five years
- (ii) *Bhugut bandha* (usufructuary mortgage) mortgage for a period not exceeding 7 years. If the mortgage happens to be to a registered society, corporate society etc., then it is for any period exceeding 15 years.

Under this section, transfer of land is allowed only with the prior permission of the District Collector (DC), whose jurisdictions lie within the same police station as the owner. When giving the permission, the DC has to ensure that the transferor is not affected adversely. Furthermore, subsection 3(a) includes the provision that in case of one 'party' being non-tribal and the other being tribal, the District Collector will also become a 'party' to protect the interest of the tribal.

Section 49 permits the transfer of land to a non-*Adivasi*, particularly for public purpose. This section has been widely misused. It enables occupancy *raiyat*⁴⁴ or any member of *Bhuinhari*⁴⁵ family to transfer his/her holding or transfer tenure for any reasonable or sufficient purpose, and register it after obtaining permission from the DC. DC is supposed to satisfy himself/herself that adequate compensation has been given to the tenure holder.

It is also important to note that in granting permission, the DC must keep in mind the following points:

1. The tribal, after the transfer of land, should have sufficient land left with him for the subsistence of himself and his family.
2. The price being paid to him should be reasonable and in no way less than the land acquisition rate.
3. The purchaser must utilize the land only for the purpose for which the land has been allowed to be sold.

It is expected that the DC must also verify the agreement. The purchaser cannot and must not acquire a *suo moto* right to dispose off or transfer the land; he purchaser must obtain the prior permission of the DC. In case he does not require the land, he should return it to the tribal owner free of cost. One of the important provisions is that the DC would also ensure the interests of the landowners is not affected and they receive adequate compensation for the same. The transfer can be affected only after the written consent of the DC, and through a registered deed. The government can cancel the deed within 12 years after hearing both the parties, if it is in contravention to the Act.

The purposes codified are (i) Charitable, (ii) Religious, (iii) Education, (iv) Industrial, (v) Irrigation, (vi) Building Ground etc. The *Bhuinhari* land could also be transferred for housing purposes. This section was amended in 1995 and *Adivasi* land can now only be transferred for mining and industrial purpose. This section was misinterpreted by a number of DCs for transferring the land of the *Adivasis* to housing cooperatives.

Women in Traditional Governance

The PESA (Panchayat Extension to Scheduled Areas) Act, 1996, has clear provisions and spaces for women in tribal governance systems. For this, traditional governance systems have to reform themselves to enhance women's participation and their decision making capacities.

⁴³The *Chotanagpur Tenancy Act*, 1908 is a State Act governing the Chotanagpur region in Eastern India.

⁴⁴A tenant, farmer or peasant.

⁴⁵*Bhuinhari* refers to the original settler of the village.

Santhal Pargana Tenancy Act (SPTA)

Under Section 20 of the SPTA, involving the transfer of *raiyat* rights, it is stated that *'[n]o transfer by a raiyat of his right in his holding or any portion thereof, by sale, gift, mortgage, will, lease or any other contract or agreement, shall be valid unless the right to transfer has been recorded in the record-of-rights, and then only to the extent to which such right is so recorded.'*⁴⁶

It does provide, however, for a few exceptions:

1. Gift to daughter or sister, with previous written permission of the DC
2. Grant of not more than one-half the area of his holding to his widowed mother or wife for her maintenance after his death with the previous written permission of the DC
3. Transfer in favour of *gharjamai*⁴⁷
4. Lease for the purpose of an excise shop for not more than one year, with the previous written permission of the DC

While land is thus not transferable, exceptional cases are allowed with the permission of the DC, taking account of the prevailing 'customs'. Most of these exceptions relate to women's rights. The DCs, however, have rarely used their position to ensure women's rights, primarily due to the difficulty of proving 'custom' that is not codified, especially in the face of contestation by male kin. At present, women's rights have social recognition, but there is no legal obligation, except in the case of *gharjamai*, wherein the land is recorded in the daughter's name. In most other cases, women are deprived of their legitimate claims.

Recognition of Tribal Customary Laws

Article 13(3) of the Constitution recognizes that custom or usage has the force of law in so far as it is not inconsistent with the provisions of Part III of the Constitution.⁴⁸ Custom may be defined as a *'long established practice considered as unwritten law and resting for its authority on the long consent of the people,'* and which all the people of the local area are presumed to know.⁴⁹ Furthermore, customs may be practices that have obtained the force of law in a particular place or within a particular community.

In order to be legal and binding, a custom must:

1. Be ancient (existing from before living memory)
2. Have been continual within living memory (although an interruption of the right or practice for a few years does not destroy custom)
3. Have common consent within a community

⁴⁶Jyotish Thakur and others vs Tarakantjha and others on 11 September, 1962 accessed May 4, 2011, <http://www.indiankanoon.org/doc/1243943/>

⁴⁷The live-in son-in-law in a matrilineal household.

⁴⁸Part III of the Constitution of India lists the Fundamental Rights of every citizen in the country.

⁴⁹Gupta, Jai Prakash, "The Customary Laws of the Munda and the Oraon," Ranchi: Jharkhand Tribal Welfare Research Institute, 2002.

4. Be reasonable and certain
5. Be compulsory, once established

Customary law is thus enforced in the court through evidence of existing practices, statements of local people, or recorded evidence, and previous court decisions are not binding in establishing it. Although customary law by definition is ancient, the courts accept that customs are also dynamic.

Article 13 of the Constitution holds that a custom that is inconsistent with a fundamental right is void. But in the *Krishna vs. Mathura* Case, the Supreme Court held that personal law and custom have been excluded from this provision.⁵⁰ However, more recent decisions have held that all customary practices continue to operate until struck down by a court, due to their being inimical to public peace, or until replaced by statutory law.

In Jharkhand, the main sources of customary law of the *Oraon* and the *Munda* tribal people are the books by S.C. Roy, W.G. Archer for the Santal communities, and E.T Dalton's 1872 ethnography of Bengal. The lawyers and the courts usually rely on these sources as authentic proof of existing customs, rather than making fresh enquiries into existing practices or interviewing elders about long-standing customs.

Customary Laws Have Not Favoured Women

Court cases have generally upheld the 'customary' exclusion of *Adivasi* women in Chotanagpur from inheritance of land. In the case of *Nada Oraon vs. Butna Oraon*,⁵¹ it was upheld that the title of *bhuinhari* in the case of *Oraons* does not pass through the female line and is not acquired by a *ghardamad*.⁵²

The applicability of customary law in a particular case (as opposed to Hindu law or the Hindu Succession Act) often hinges on the establishment of tribal identity, which can fairly easily be impugned by lawyers. The concept of '*Hinduisation*'⁵³ of tribal peoples is recognised by the courts. If it can be shown that an *Adivasi* is sufficiently 'Hinduised,' he/she may come under the provisions of the Hindu Succession Act or other laws made specifically for Hindus, rather than tribal customary law. This principle has been upheld in various court cases, and Section 76 of the CNTA also provides that if a tribal is 'Hinduised,' he/she could come under the Hindu Succession Act. In such cases, the court has to decide whether the tribal plaintiff is 'sufficiently Hinduised' to be governed by Hindu law in matters of succession or inheritance. The grounds for the decision may be the practice of cremation rather than burial, the form of marriage, religious practices and even social practices such as prohibition of women from touching the plough.

Because the courts have consistently supported the exclusion of *Adivasi* widows and daughters from inheritance in this region, an alternative strategy is often used to fight cases by allowing their claim to Hindu status. In several court cases the right of a widow to property has been upheld on the basis of the family being Hinduised.

⁵⁰Supreme Court of India, *Krishna vs. Mathura*, IR 1980 SC 707.

⁵¹*Nada Oraon vs. Butna Oraon*, 1930 PLT 194: AIR 1930 Pat 278.

⁵²The son in law in a matrilocal marriage.

⁵³The term refers to the subtle form of assimilation and absorption of other cultures and groups into Hinduism.

In one such decision, the Patna High Court held that Hinduisation does not require any conversion ceremony, but 'depends on how their culture is being changed towards Hinduism.' The court noted that as per the Hindu Succession Act, 1956, 'Hindu' could include a person who is not a Hindu by religion. It held that 'by efflux of time a tribal may become Hinduised and they shall be governed by Hindu law;' the Hindu Succession Act was held applicable to the case.⁵⁴ The claim to Hindu status may be tested by the court according to various criteria. In one case in which *Bhumij*⁵⁵ plaintiffs were claiming a share of their father's property for their sisters on the grounds that they are Hindus, the court held that this claim was not demonstrated, and that as *Adivasis*, they were governed by customary law, and that daughters could not inherit the property of the father or mother. Interestingly, the court argued that the plaintiff would have to prove not only that his/her own family is Hinduised, but that other Bhumijis of the same or neighbouring villages have also adopted the Hindu religion and followed its rites and practices.⁵⁶ As the above decision suggests, the customary law of all *Adivasis* in Chotanagpur is presumed by the courts to disinherit women, although in this case no authority was cited to support this presumption.

Customary law in practice in the state of Bihar and other parts of the country excludes tribal women from inheritance of land or property belonging to her father, husband or mother. This conferment of right to inheritance of the male heirs or lineal descendants being founded solely on sex is discriminatory. The tribal women toil and share with men equally the daily sweat, troubles and tribulations in agricultural operations and family management. Their discrimination, based on the customary law of inheritance, is unconstitutional, unfair and illegal. Even usufructuary rights conferred on a widow or an unmarried daughter become illusory due to diverse pressures by lineal descendants, or their extermination. Married or unmarried daughters are excluded from inheritance if they are subjected to adultery by non-tribal persons; they are denuded of the rights to enjoy the property of their father or deceased husband for life.

The widow, upon remarriage, is denied inherited property from her former husband. There have been several incidents in which women were either forced to give up their life interests or became the target of violent attacks, and were even murdered. *Adivasi* activists, political leaders, and ordinary people speak almost with one voice on this issue, reiterating the same arguments mentioned above.

Although in practice, individual land rights are more common than the 'collective' *khunkatti*⁵⁷ systems of Ranchi and Singhbhum, with which Articles 7 and 8 of the Constitution are concerned, activists maintain that in the tribal tradition no individual owns land; land belongs to the entire community and individual landholders are only caretakers for future generations. Even a man cannot sell land without the consent of others in the community, the Munda-Manki,⁵⁸ and the DC. Activists argue that although land sales sometimes occur without the consent of local people, in principle they are supposed to have community sanction. Granting individual rights to women would disrupt this protective system. They also argue that women widows and unmarried daughters customarily have usufructuary rights to their

⁵⁴The High Court at Patna, *Dhanai Majhi and another vs. Ranga Majhi and others*, 1999(1) PLJR 605: 1999(1) BLJR 695

⁵⁵*Bhumij* are a tribal/Adivasi people primarily living in the Indian states of West Bengal, Orissa, and Jharkhand, mostly in the old Singhbhum District.

⁵⁶The High Court at Patna, *Gopal Singh Bhumij v. Giribala Bhumij and others*, AIR 1991 Patna 138.

⁵⁷*Khunkatti* refers to rights derived from original settlers or founders of a village in the forest which are handed down to future generations or title holders by virtue of lineage.

⁵⁸The *Munda-Manki* system refers to the traditional governance system of the Munda tribe in Jharkhand. *Munda-Manki* is also used to refer to the head of the governing body.

father's or husband's land (although they cannot sell or transfer it), which are protected by the community and hence, there is no need for inheritance rights. While recognising that women sometimes are deprived of their usufructuary rights, they believe that the remedy for this cannot be through a change in the law, and instead argue that tribal custom should be followed more strictly.

Tribal Women's Land Rights

When we look at the tribal society of Jharkhand from close quarters, there are many features that are empowering. It is what is missing that should be integrated in their society. Women have been left out of their rights in land, water, forest and governance. What is more, the issue of tribal women's land rights is perceived as a women's issue. Men, too, have to be liberated from their mental and physical mindsets and barriers. There is also a strong assumption that the outside world is for men to manage. Women are only seen when the man dies.

Adivasi women, in particular those working on land, are unable to access agricultural credit because their names are not in the record of rights on land. Banks give credit only to those who have clear land titles, and this is a constraint on *Adivasi* women in accessing credit and other benefits. It is imperative that banks change their credit norms, especially in SAs. Again, court procedures, delays and costs prevent the poor, especially women, from claiming legal redress. Local dispute resolution mechanisms need to be strengthened further, whether it is the gram sabhas at the village level, or the lok adalats⁵⁹ and other camp courts at the *panchayat*⁶⁰, or block levels.

Tribal traditions will need to be documented and reformed. Based on a national law, one-third of women's participation is needed in *panchayat* (local councils) decisions. The state of Jharkhand has accepted this. Women and men in the *panchayat* must be able to access this information. The inclusion of the mother's name in records for school registration has begun. Land records should also include the wife's name. This will ensure that land alienation does not happen only with the signature of the male members of the family.

A retroactive law could be requested in order to take back land that belongs to the tribal community, like in Bihar. In this we should assume that the last *Khatiyani* (1932)⁶¹ needs to include women's names. Since all land belongs to the community, all community women need to sign land-transfer deeds to non-tribals. None of the land deals have women's names on them. So we should pass a law that states that in cases where the wife or female representatives of the wife have not been consulted, the land deals should be declared null and void and this should be made effective in retrospect.

Tribal widows are also being alienated from their homes, which is yet another serious issue that tribal communities must address. Otherwise, courts should step in to find solutions for redressal. Whether in rape cases or land disputes in the village, women themselves have to come forward to exercise their rights in the decision-making processes. It is critical that women's leadership is strengthened and empowered. There is a dire need to protect the lands of the tribals, and women, in turn, must claim their rights. Even as tribal society is combating many issues of survival, women's leadership must come forward to fight for their rights.

⁵⁹A system of alternate dispute resolution, a people's court.

⁶⁰*Gram panchayats* are local governments comprising of gram sabhas or village councils of one large village or a cluster of small villages.

⁶¹Land records referring to land surveys done by the state, dated 1932.

Recommendations

1. To prevent the growing problem of land alienation without the woman's knowledge, *pattas*⁶² must be recorded jointly in the names of husbands and wives.
2. To prevent murder of widows for their land, their usufructuary rights should be recorded in the khatiyani with a clause that in case of unnatural death of a childless widow, the property will be vested with the community, who will then distribute to the landless in the village. As the direct beneficiaries of such deaths cannot be predetermined, the practice of physical elimination of widows will be curtailed.
3. Rather than being seen as exceptional gifts, the rights of a sister (*taben jom*), wife, and widow should be recognised as transfers, just as *gharjamai* rights have been recognized.
4. Women's rights to homestead plots, trees etc. need to be ensured. For this, their secondary rights to land need to be recorded in the record of rights.
5. In case of displacement, women must get half of the compensation in their names (i.e. if there is cash compensation), and any alternative plot must be recorded in their names jointly. Unmarried adult daughters should also be treated as separate units.
6. There is a great need to build the capacities of women leaders in tribal areas. Women have to be given the capacity to actively take part in the decision making processes.

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⁶²Land titles/holdings

Climate Change and Livelihood Practices: Mitigation and Adaptation among Adivasi Women

Govind Kelkar

Indigenous communities of Asia are not immune to feminisation of agricultural work. These women are the chief producers in the swidden⁶³ fields and home gardens, with the responsibility for planting seeds, weeding, fertilizing, processing production and so on. It is *Adivasi* and indigenous women's very reliance on natural resources and agriculture that makes them exceedingly vulnerable to climate change, especially since they are the world's poorest, with limited access to resources.

Three international agreements aim, inter alia, to ensure women's participation in environmental management: 1) CEDAW; 2) the 1995 Beijing Platform of Action; and 3) the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in September 2007. Building on these agreements and concerns regarding impacts of climate change on women and civil society, the 52nd session of the Commission on the Status of Women (CSW) in 2008 identified climate change and its gender dimensions as key to current challenges to women's empowerment. In particular, the Conclusion on Financing for Gender Equality and the Empowerment of Women, urges governments to:

*Integrate a gender perspective in the design, implementation, monitoring, evaluation and reporting of national environmental policies, strengthen mechanisms and provide adequate resources to ensure full and equal participation of women in decision-making at all levels on environmental issues, in particular on strategies related to the impact of climate change on the lives of women and girls.*⁶⁴ In sum, stakeholders (individuals, civil society and governments) increasingly recognise the growing nexus between two significant regimes—one that aims to advance gender equality, and one that aims to address climate change.

While there is willingness within the national and international communities to invest in agriculture to reduce poverty in the rural sector, the challenges lie in implementing policies that effectively overcome inequality and discrimination against indigenous and women farmers. With the feminisation of agricultural work in China, India

⁶³An area cleared for temporary cultivation by cutting and burning the vegetation.

⁶⁴UN CSW, "Commission on the Status of Women Report on the 52nd Session" Report presented at the 52nd Session of the CSW New York, February 7 – March 12, 2008, <http://daccessddsny.un.org/doc/UNDOC/GEN/N08/290/62/PDF/N0829062.pdf>

and other countries in Asia, contemporary rural-urban inequality in these countries is a matter of gender inequality. The persistence of unrestricted violence against women within the home and outside shows that policy measures to reduce poverty and inequality simultaneously are not a contradiction in terms. These would include policies that foster women's ownership and control rights to land and credit; provide access to higher education, technical training and health care; and support their participation in relevant local and national decision-making processes and governance.

Transforming the management and ownership entitlement of household resources and building women's capacity can significantly increase productivity, particularly where these resources are under-utilised, in the case of the poor. Furthermore, secure access to and control of natural resources (land, forests, water and livestock) would make women more able and willing to make investments in adaptation and disaster risk reduction measures, as they would have more invested in their success. In the face of new challenges caused by global warming, this strengthened asset base will be essential for women to cope with strains of climate change.

Mitigation and Adaptation

Mitigation includes efforts that directly address the cause of climate change, such as the emission of Greenhouse Gases (GHGs). Adaptation refers to adjustments in practices, processes or structures to moderate or change the risks of climate change (experienced or expected) and, where possible, take advantage of beneficial opportunities arising from climate change.⁶⁵ Both mitigation and adaptation measures can be crafted by the international community, states, city municipalities or local communities, families and individuals.

When adaptation measures are taken without governmental directive, they are considered autonomous adaptation. Some of these include:⁶⁶

1. Changing agricultural inputs, such as to plant crop varieties with increased resistance to heat, shock or drought; altering fertilizer rates to maintain grain or fruit quality consistent with the climate; and changing amounts and timings of irrigation
2. Harvesting water and utilising water management to prevent erosion and water-logging in areas and times of increased rainfall
3. Altering the timing and location of cropping activities
4. Diversifying income by integrating into farming additional activities such as raising livestock
5. Using seasonal climate forecasting to reduce production risk

Indigenous peoples have a long record of managing climate change effects. For instance, Nimi Kumari, a Bohara woman from Banke district of Nepal, explained her strategy to deal with erratic monsoon rains:

⁶⁵Yianna, Lambrou, and Piana, Grazia, "Gender: The Missing Component of the Response to Climate Change." FAO, 2006.

⁶⁶Easterling, W.E and Aggarwal, P.K. et.al., "Food, Fibre, Forest Products in Climate Change 2007: Impacts, Adaptation and Vulnerability," Contribution of Working Group 11, to Fourth Assessment Report of Intergovernmental Panel on Climate Change, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. Vander Linden and C.E. Hanson(eds), Cambridge University Press, 2007, p. 273-213.

*'As we never know when the rain will come, we had to change. I started to change the way I prepare seedbed, so that we don't lose all our crops. I am also raising different crops depending on the situation ... We also need to use early or short duration paddy and crops that are resistant to baadh (floods) and sukha (drought) if they exist.'*⁶⁷

Adaptation Strategies

In November 2008, field observations by the author in villages in Khuti District, Jharkhand, India, indicated a serious impact of climate change on *Adivasi* livelihoods, specifically related to lac production. Women are largely responsible for the production and sale of lac, a natural polymer (resin) produced by a tiny insect, *Kerria Lacca* (kerr), that is cultured on shoots of several species of trees—mainly palas, ber, peeple and kusum. Homestead production of lac is an essential component of the economy, second only to cultivation of paddy.

For the past several decades, lac has been cultivated as a subsidiary source of income by the forest dwelling people in the states of Jharkhand, Chhattisgarh, Orissa, West Bengal, and Andhra Pradesh and North East states. India is the highest producer of lac, contributing about 55 percent of the total world requirement, which is now largely used for polishing fruits (to keep them fresh and protect them from rotting) and handicrafts.

For the past three to four years, however, the lac host trees (with the exception of kusum in some villages) have been affected by unseasonal, short and heavy rains, followed by extreme cold weather and week-long fog and frost during mid-March, when the insect (Kerr) is ready to produce lac. As a result of the extreme cold (4 to 10°C), lack of sunlight and frost, the Kerr insects die. This has occurred since 2006, reducing the production of lac to 25 percent of what was harvested in 2004-2005. Consequently, the local lac industry (Tajna River Industries Private Ltd) has begun importing lac from Thailand.⁶⁸

In a meeting with Mahila Mandal (a community-based rural women's organisation) and the village head in Gangyora village of Khuti District, the president of Mahila Mandal said: *'You ask me how we are affected by the loss in lac production...we can no longer buy some essential things like vegetables, dal, and clothes and so on...we are trying to meet these shortages in our day-to-day sustenance by cutting and selling wood from the forests...we try to cut only dry and old trees... we also work as farm labor; our daily wages are Rs 25 to 30, and men get Rs 60 to 70.'* The village-head added that a number of lac growing trees have been cut down and sold in the market as the trees have become unproductive.

In response, in October 2008, with the assistance of a local NGO, the Professional Assistance for Development Action (PRADAN), with outreach to a large number of *Adivasi* women in the state, Mahila Mandal members introduced new seed sticks of lac bought from Chhattisgarh and Andhra Pradesh. In view of the erratic rain and fog in the forthcoming March, however, they are sceptical about the result of these efforts in 2009.

Over time, the community has adapted to these challenges by shifting their livelihoods away from those dependent on (privately-owned) trees for lac production towards commercial logging and agriculture.

⁶⁷"We know what we need: South Asian women Speak out on Climate Change Adaptation," Action Aid, November 2007, www.actionaid.org/.../ActionAid%20%20IDS%20Report%20_We%20know%20what%20we%20need.pdf

⁶⁸Kelkar, Govind, "Ādivāsi Women: Engaging with Climate Change," UNIFEM, South Asia, www.ifad.org. www.ifad.org/english/indigenous/pub/documents/women_climate.pdf

Similar experiences were witnessed during a 2008 visit to Mookaiwai in Jaintia Hills in Meghalaya, India, where it was observed that although subsistence farming is upheld as the social norm, there is, in practice a substantial increase of commercial activities, including commercial logging in the communal forest, the use of which is governed by Wahehchnong—an all male community body for decision-making. Furthermore, women and men are both increasingly engaged in commercial production and sale of vegetables.

This transition, however, is not always easy. Sadaka, a farmer, part-time school teacher and mother of a six-year-old boy, reported on her ‘new difficulty’—over the last three to four years, the unseasonal and frequent heavy rains which have adversely affected the production of vegetables such as cauliflower, green peas and beans: ‘*We do not know what to plant and when to plant, as we cannot make out anymore when the rains would end and summer would come.*’⁶⁹

Unlike in Jharkhand and Meghalaya, however, field visits in 2008 also found circumstances of beneficial climatic shifts, presumably due to global warming, this time in Cordilleras, Philippines. In recent years, the climate has reportedly become warmer in winter months, affecting the mix of crops farmers can grow. Farmers are producing fewer strawberries and more vegetables (beans, potato, cauliflower, tomato) that can be grown in warmer weather. Even at the higher locations of Baguio, Philippines, the warmer climate is enabling farmers to grow new varieties of vegetables, something they could not previously do. The potentiality of adaptation—to both disadvantageous and advantageous new circumstances—will be critical for communities to retain productive livelihood amid a shifting climate.

Autonomous Adaptation

Despite limited support for *Adivasi* and indigenous women to plan and implement adaptation strategies, it is encouraging that in a number of cases these women in poor rural areas have autonomously adopted adaptation strategies.

In Jaintia Hills, for example, women vegetable farmers have taken up a new variety of cabbage and cash crops, such as turmeric and broom grass, which can withstand unseasonal and heavy rains. Likewise, in Ribhoi district of Meghalaya, two women swidden farmers confirmed their traditional major cash crops of beans and *karela* (bitter gourd) were repeatedly destroyed by irregular and heavy rains experienced over the past four to five years. Hence, they have switched to cultivation of new cash crops—ginger and strawberry—which they grow alongside sweet potato, yams, beetroots, carrots, and Chinese turnips in the swidden field, though in smaller amounts. When asked about any difficulties in marketing these new crops, Mirseda Umdor, the older of the two farmers, said: ‘We have no problems in the marketing of vegetables. We are able to sell all kinds of agricultural produce, either in the local market or in Shillong.’ To that end, they have also added traditional herbs and fruits grown in their field or backyards to what they sell in the market, while providing for household consumption, as well.

In addition to ingenuity, these efforts evidence that indigenous women’s extensive experience in agriculture, as well as knowledge of nutritional and medicinal properties of local plants, roots and trees, including edible plants that are not normally used, may be of central importance in communities coping with environmental stress and food shortages expected due to global warming.

Worth noting, these autonomous adaptation efforts mirror similar observations of autonomous adaptation by the International Union for Conservation of Nature (IUCN), which found that in Sikkim, India for example, women farmers

⁶⁹Kelkar, Govind, “Field Notes in East Khasi North East India,” Unpublished Report, 2008.

Increased Climate Resilience from Rural Employment Programme

India's flagship rural employment programme has shown some 'unusual spinoffs, chief among them reducing the impact of climate change.' (Rita Sharma, Secretary, Ministry of Rural Development, Government of India, in Indo-Asian News, February 8, 2009)

One of the distinguishing features of NREGA, launched in 2006, is the creation of environmentally sound productive assets, under the decentralised administration of gram panchayats or local councils (for details see Kelkar, 2009). NREGA seeks the creation of 'durable and sustainable assets' and production methodologies such as water conservation, harvesting and irrigation works; flood control and protection works; drought proofing, including afforestation; renovation of traditional water bodies; land development; and rural connectivity. During the period 2006 to 2008, NREGA created 4.7 million projects, over 50 percent of them related to water conservation. For instance, in Sidhi district of Madhya Pradesh, 8,000 wells were dug since the launch of NREGA in 200 backward districts; this increased the resilience of the community to drought.

Despite three consecutive droughts in the past three years, water from these wells has made irrigation of fields possible. Likewise, in Karauli district, facing consecutive droughts for four years, the construction and de-silting of 2000 pokhars (village ponds) has reduced distress migration during summer by bringing farmers back to land, particularly in the Adivasi belt of central and north India (PRIA, 2008⁷⁰; Shah, 2009⁷¹).

have cultivated a new variety of cardamom which is better suited to increased frost and fog. Additionally in the Terai area of Nepal, women have also modified seed choice and switched to cultivating crops that can be harvested before the region's floods, or planting taller, water-resistant rice varieties to prepare better for floods. They have also built community shelters, taken their assets and livestock to higher places, and those who have enough resources, have increased the plinth level of their houses/homesteads to protect their belongings.⁷²

These examples, of simply affording to build shelters, or reinforce vulnerable homes, are evidence to the practical link between wealth and capacity for adaptation. While not directly an adaptation strategy, economic resilience is a cornerstone of effective autonomous adaptation.

Vocations Independent of Climate

In Bastar, Chhattisgarh, *Adivasi* women have developed their skills in traditionally male vocations such as terracotta, bell metal and wood sculpture. These alternative skills could increase their economic resilience to the climate shifts, since they decrease women's dependency on agriculture or collection of NTFPs, which global warming is expected to impact negatively in many areas.

In India, SHGs have been a highly effective strategy to support women's livelihood and social empowerment. SHGs give market access to women for their NTFPs, which include, inter alia, *gum karaya* (used as medicine and food), *maredu gaddulu* (used in preparing *sherbets*), *narmamidi* bark (used in making incense sticks), soapnut (used in soaps and shampoos), *pongamia* seed (used in hair oils and as a bio-substitute for diesel) and *adda* leaves (used for making

⁷⁰PRIA, "Role of Panchayati Raj Institutions in Implementation of NREGA," National Study: Phase III, New Delhi, 2008.

⁷¹Shah, Mihir, "Multiplier accelerator synergy in NREGA," *The Hindu*, Delhi, April 30, 2009.

⁷²Bugtong, V. Maribeth, "Asian Indigenous Women and Climate Change," *Asian Indigenous Women: Responding to Climate Change*, Issue No. 1, AIWN, Baguio, Philippines, 11, 2008.

plates). The greatest impact, however, has been the SHGs' elimination of middlepersons, minimisation of overhead expenses, and focus on keeping profits within the community. Women's work has moved up the value chain, where they are not only the collectors of forest produce and makers of different products, but also sellers and negotiators for collective purchase of these products in the market.⁷³

In addition to practical economic advantages of the SHGs, there are components that support social and political empowerment of women, as well as support women as individual and active members of a community, and not only in relation to the head of the household. Women involved in SHGs have become known for their knowledge of NTFP processing and marketing, with many receiving training in business management and negotiation skills. Some have been trained to share these skills with women and men from other areas. Since SHGs can provide small loans for women to purchase physical assets such as goats and hens, they help to diversify women's livelihood and have enhanced their social standing in communities. In South India (Andhra Pradesh), Chenchu women reported an increase in their confidence and social visibility, a result of the collective work.⁷⁴

Nonetheless, the SHGs are limited in their geographic scope and capacity. A recent study of gendered livelihoods of *Adivasi* women in South India noted that while the increasing presence of SHGs has had a positive effect on women, in terms of facilitating community participation and income generation leading to increased welfare, they have not—and perhaps cannot—provide enough support for the vast practical needs of *Adivasi* women and men living in extreme poverty and facing severe discrimination.⁷⁵ till, they are one of a multitude of strategies that could be supported to strengthen indigenous women's capacity and resilience which will be increasingly needed in the face of economic strains due to climate change.

Mitigation Measures

Adivasi and indigenous women may easily have the smallest carbon footprint on earth. Their sustainable livelihood practices such as swidden farming, pastoralism, hunting and gathering, trapping and the production of basic goods and services, often use environmentally friendly, renewable and/or recyclable resources. *Adivasis* of Jharkhand, Chhattisgarh, Andhra Pradesh and the North East states of India, for example, as well as the Karen and other indigenous peoples of Thailand, China and Myanmar, continue to practice jhum or podu (rotational agriculture), with very limited or no use of petroleum fertilizers. As a result, they not only produce few GHGs, but the conserved forests in their domain and sustainable use of agricultural lands provide the additional benefit of a healthy ecosystem that helps preserve biodiversity and provides a sink for global GHG emissions.⁷⁶

Indigenous communities are increasingly interlinked, however, to mitigation initiatives launched by external actors including forestry projects for sequestering carbon and the development of alternative energy such as bio-fuels and wind

⁷³Kelkar, Govind, and Nathan, Dev, "Chenchu Women of Andhra Pradesh, India; Empowerment in the Market and Household," Study for UNIFEM, New Delhi, 2005.

⁷⁴Ibid.

⁷⁵Shoba, Arun, "Managing Assets and Vulnerability Contexts: Vistas of Gendered Livelihoods of Adivasi Women in South Asia," University of Manchester/Brooks World Poverty Institute, Working Paper 32, Pg 13 March,2008.

⁷⁶Victoria Tauli-Corpuz and Lynge Aqqualuk. "Impact of Climate Change Mitigation Measures on Indigenous Peoples and their Territories and Lands," United Nations Permanent Forum on Indigenous Issues (UNPFII) 7th Session, New York: United Nations Economic and Social Council, 2 May, 2008.

power. Only limited efforts, however, are often made to include them in consultations and implementation of these projects at any level—local, national, regional, or international. For example, *Adivasi* communities in Harda district in Madhya Pradesh, India, were neither notified nor aware of a carbon forestry project intended to regenerate forests for carbon sequestration and storage. Women, however, and in some cases children, were employed on a seasonal basis to plant the seeds in the forest, but were not informed of their role in a larger carbon storage project.⁷⁷ Of more concern to indigenous peoples, is the fact that some mitigation projects, such as securing forests or lands for carbon sinks and renewable energy projects, have been established on indigenous peoples' lands through means of deception, and without securing the free, prior and informed consent, particularly of women of the indigenous community, as in the case of the initial years of wind farms by Suzlon in the state of Maharashtra, India.

In other cases, *Adivasi* women have actively engaged in mitigation projects in order to either fight against, or collaborate with them, depending on the circumstances. For example, in response to some renewable energy projects in the state of Maharashtra, India, *Adivasi* women emerged as leaders to prevent use of their ancestral lands and forests for wind energy farms. In other cases, however, as with the wind energy corporation, Suzlon, *Adivasi* women have collaborated to facilitate the company's Corporate Social Responsibility (CSR) policies, with some appointed as officers on the company's CSR team. This collaboration is an attempt by Suzlon to understand the ethical basis of land transactions between *Adivasi* and corporate agents, and, in consultation with *Adivasi* women and men, to introduce remedial measures for any social, economic or ecological damage resulting from the renewable energy generation. For example, women have requested to maintain access to their grazing land and have electricity and drinking water provided by Suzlon to households located within two to three kilometres of the wind energy infrastructures. Recommendations were made by *Adivasi* women that these assets be in the name of the women via the SHG collectives, and that all future transactions and consultations be done with women, since '*men drank away all the money received from the sale of land to Suzlon...[W]hen women get money, it is used for household needs, but when men get money it is used for drinking.*' Another recommendation from Mandabai (an *Adivasi* woman leader of the community in wind-farm village Supa, Maharashtra, India) suggests that Suzlon should provide bicycles to girls enrolled in middle or high school, as an enabling strategy for higher education of girls as part of Suzlon's CSR strategy.⁷⁸

Other universal recommendations intended to benefit all members of indigenous communities equally are for regulatory payments for the communities' provision of environmental services, including carbon sequestration via avoided deforestation, and the frequently under-valued externalities of watershed and biodiversity protection. This would require an accountability mechanism to ensure that funds are distributed to women and men equitably.

Adivasi/Indigenous Women's Priorities

The Intergovernmental Panel on Climate Change (IPCC) observes that a society's capacity to adapt is influenced by its productive base, including natural and human capital assets, social networks and entitlements, institutions of governance, national income, health and technology.⁷⁹ Over several years of field visits to indigenous areas in Yunnan, China, and

⁷⁷Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education), "Guide on Climate Change and Indigenous Peoples," Baguio, Philippines, 2008

⁷⁸Kelkar, Govind, "Field Notes in Suzlon Wind Farm," Supa, Maharashtra, India: 2008.

⁷⁹"Climate Change 2007: Synthesis Report, Summary for Policy Makers." Intergovernmental Panel on Climate Change (IPCC). IPCC and Cambridge University Press.

the states of Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Jharkhand, Meghalaya and Nagaland in India, women have articulated the following as strategic priorities that can reduce their vulnerability to climate change:

1. Ownership and control rights to land, credit, housing and livestock (such as cattle, poultry and fisheries)
2. Crop diversification, including flood and drought resistant varieties
3. Extension knowledge in sustainable use of manure, pesticides and irrigation
4. South-South sharing of information on how women and men in other areas are managing their livelihoods and adapting to environmental stressors
5. Capacity-building and training in alternative livelihoods;
6. Flood protection shelters to store their assets, seeds, fodder and food for livestock and poultry
7. Easier access to health care services, doctors, pharmacists and veterinarians
8. Access to affordable and collateral-free credit for production, consumption and health care needs
9. Access to markets and marketing knowledge to enhance trade of their agricultural produce and NTFPs with confidence, and not be cheated and exploited by outside traders
10. Equal participation of women in community affairs, management of community resources and 'the commons,' decision-making related to negotiating and developing livelihoods, as well as financing of adaptation strategies.

These findings are similar to those of a 2007 study by Action Aid, in which rural and indigenous women in South Asia clearly articulated what was required to help them secure and sustain their livelihoods more effectively.⁸⁰ These included: harvesting and conservation of water in rain-fed agricultural areas (Jharkhand and Chhattisgarh, India); flood protection shelter for the community to store their harvest and keep livestock during monsoon or unexpected rainfall periods (Bangladesh and parts of Nepal); capacity-building through training and access to information on adaptation strategies, (Nagaland, India); access to new technologies and markets for agriculture-based livelihoods (Andhra Pradesh and North East states of India); availability of healthcare, education and financial services; and ownership and control rights to land and the produce throughout the region.

To summarise, *Adivasi* and indigenous societies in Asia are often very aware of practical support that would build their economic resilience and assist them in adapting to ensuing effects of climate change on their livelihood. Women have assumed important roles in demanding that their human rights be respected when the state or private sector introduces mitigation projects, and they are beginning to autonomously adapt and lead local movements toward gender responsive economic policies and rights-based initiatives.

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⁸⁰ "We know what we need: South Asian women Speak out on Climate Change Adaptation," Action Aid, November 2007, www.actionaid.org/.../ActionAid%20%20IDS%20Report%20_We%20know%20what%20we%20need.pdf

Discussion

At the end of the second session of the roundtable, there was an engaging discussion on joint titles to land; displacement; the situation of women and tribal councils in the North East; the functioning of Panchayats and women's role therein; PESA; denial of tribal women's rights over land; alienation of tribal lands; and climate change.

The following is a summary of the discussion

- Joint titles to land ensure that land cannot be sold without women's knowledge. The Indian experience is replete with examples of women collectively agitating to stop unfair sale or acquisition of land, even though they do not own land. Joint titles, though they definitely help, are only half the solution. The other half is women's empowerment.
- Resettlement policies should ensure that women and indigenous communities have rights and get due compensation. The violence that accompanies eviction and the lack of adequate compensation to affected populations is a cause of concern. The collective voice of affected communities has to be heard and adequate participation ensured.
- The Sixth Schedule has given some powers to tribal women. Women Experience has shown that women are in total control during harvesting and production, but men completely take over during marketing. The shift to cash crops has also seen the reins of control pass from women to men.
- Privatization is becoming increasingly visible in the functioning of tribal councils.
- PESA was enacted in 1996. It was a recognition of the traditional administrative system in the SA. The traditional tribal system of governance being advocated does not however give space to women. Under the new PESA, provisions have been made for ensuring women's participation at each level.
- The major opposition to tribal women's rights over land is on the ground that if rights are given to women, and if they marry non-tribals, the land is alienated and becomes non-tribal land. Some provision should be made in existing laws to deal with such cases of alienation of land without necessarily denying women their rights. The implications of such marriages on land have to be properly understood and studied. Much more debate is required.
- In India there are laws to prevent the alienation of tribal land to non-tribals. Every state where tribals are predominantly present, particularly in central and eastern India, is governed by its own legislative framework. Only the district collectors are authorized to return such lands. In the 1980s, there was a movement to return large tracts of land to the tribal people. It failed because the fundamental processes of impoverishment and exploitation of tribal communities never stop. There are many ways in which tribal land is transferred to non-tribals. The question of de facto ownership also has to be considered. Many tribals have pattas in their name but do not have ownership rights. This is the most common form of land alienation in India. Intermarriages and other ways are less common.

It is assumed that women are fools, and that women should not be given any rights to decide for themselves. This is the underlying assumption. No one questions tribal men who marry outside the tribe.

- One of the important but less talked about issues is the concerted attempt by the state to grab lands of tribals and forest people. Resistance to such attempts is met with force.
- None of the eight missions identified under the National Action Plan on Climate Change have incorporated the gender aspect. There is also no mention of land.
- One has to consider autonomous adaptation techniques of communities undertaking agriculture in response to climate change. Diversification of livelihoods is one such adaptation. Others include certain varieties of traditional seeds. Many indigenous communities, especially in the North East have sustainable practices and have always been self sufficient. Local communities in the North East grow 89 to 100 varieties of food crops on jhum lands.

Water: A Resource and a Right for Women

In the whole basket of productive resources that are considered essential for realisation of the right to food, water is crucial. Sustainable water resources both for human consumption and for agriculture and fair and unimpeded access to adequate quantity as well as quality of water are absolute essentials for ensuring food for all. More importantly, they ensure a life of dignity for women, who are more adversely impacted than men by violations and denial of the right to water. The presentation in this session of the roundtable broached several aspects related to water security: the fact that rights over land in India are the criteria for right to water for irrigation and how this deprives women practicing agriculture; the need to ensure fair and effective participation of women in the government bodies that control water resources; the legal and institutional dimensions on non-entitlement to water and the need for gender sensitive reform.

Water Security: Vital for Right to Food

Nafisa Barot and Seema Kulkarni

Access to adequate quantity and quality of water is pivotal in food and livelihood security. Thus, it is extremely important to take into account the instruments that are prerequisites for water security. Water is absolutely vital for food security and plays an important role in the life of women.

Legal and Institutional Dimensions

The Constitution of India enshrines citizens' rights to water. Article 15(2)⁸¹ guarantees equal access to water irrespective of caste, class or religion. Similarly, Article 21⁸² spells out that the right to life has been expanded to include the right to water. Despite the fact that these rights are constitutionally espoused, we have not been able to take either the government or anyone else to court for violations of these rights. However, what needs to be recognized is that the Constitution does not have a provision that speaks of the right to water as a human right. This should be the first step toward guaranteeing assured quantity and quality of water.

Water is absolutely vital for food security and plays an important role in the life of women.

Water, including drinking water, is a state subject; the Union government comes in only in case of interstate river water.⁸³ States can therefore legislate on different aspects of water allocation and use. Despite a guiding policy at the national level for states, most states have laid down their own policies, and in this regard, the state of Maharashtra provides an example worth noting. Even though the National Water Policy has listed agriculture as second and industry as third in its ranking, the state of Maharashtra has altered this principle, giving a second place to industry. The implications of this shift for agriculture and, therefore, for food security are cause for concern.

⁸¹Constitution of India, Part III, Article 15 (2), *Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth*, <http://indiacode.nic.in/coiweb/coifiles/part.htm>

⁸²Constitution of India, Part III, Article 21, *Protection of Life and Personal Liberty*, <http://indiacode.nic.in/coiweb/coifiles/part.htm>

⁸³India is a union of states. The constitutional provisions in respect of allocation of responsibilities between the states and centre fall into three categories: The Union List (List-I), the State List (List-II) and the Concurrent List (List-III). On subjects that are included in the Concurrent List both the central and state governments are competent to enact legislation, subject to certain matters being reserved for the centre. As most of the rivers in the country are interstate, the regulation and development of water is subject to the provision of List-I, Union List. There has been a good deal of discussion on whether water should in fact have been put in the Concurrent List. planningcommission.nic.in/reports/genrep/bkpap2020/7_bg2020.doc

Another issue that calls for comment is the fact that government bodies, such as the Irrigation Department and Water Supply Board, control all water resources. Not only should they build gender perspectives, but also evolve participatory gender policies.

Water Rights for Agriculture are Linked to Land

Water rights are not allocated to people but are attached to their property and earned through ownership of land. Women do not have entitlements to land and therefore, do not have access to water. Again, women who form the largest landless group in the villages of India are excluded from the present legislation on public water sources for irrigation. Irrigation benefits from large dams and those that are designed around the logic of the 'command area' usually tend to leave out a large number of small and marginal farmers from these benefits. Women's right to access irrigated water has invariably been treated as a last priority issue.

Women's voices do not come into the decision making or planning that needs to be done.

In the same village where women would be walking for kilometres for drinking water, there will be farmers growing cash crops; but the small and marginal farmers do not have water for irrigation because of their non-entitlement to land.

It is little wonder that constant battles are being fought between communities trying to protect their water resources for meeting basic livelihood needs. Legislative measures have lagged behind in providing communities a framework to equitably access, manage and protect their water sources. When land transfers take place, water rights too, get transferred. There is no clear policy that stipulates when, for example, land is transferred to industry, what policies should be put in place for ensuring equitable access to water resources between stakeholders. A recent example is the creation of a large water resource

in a coastal region of Gujarat. This was achieved owing to the lobbying efforts of local communities, who were keen to arrest migration and improve their food security. After eight to 10 years, as they were becoming self sufficient, the state government allowed construction of a cement factory on a piece of wasteland. Permission was given because the cement industry said that they were not interested in the water resource. Predictably, there is now a conflict. Local communities are fighting, claiming the water resource belongs to them. Women have been in the forefront of the fight against the transfer of the water resource.

Our Demand: Water for Livelihoods

When we talk about right to water, it refers to a range—starting water for domestic use and drinking water at one end, irrigated water at the other. For domestic use, there should be a minimum demand, for a family of eight members. There should be water security at household level. This is important because women see water security as their security. After the 2002 carnage in Gujarat, Muslim families were afraid to go to distant places to fetch water because of security reasons, and wanted water sources to be located closer to their homes.

There is a need for carving out water entitlements toward meeting livelihood needs of different sections of the population, keeping in mind the diverse socio-economic and agro-climatic regions of the country. A clear commitment to providing minimum assured quantity and quality of water allocation in these diverse contexts thus becomes necessary.

These entitlements should include water for domestic use and for production, taking into account women's special needs for water. Equitable norms for water allocation and subsidies for the vulnerable sections should be established and enforced in the context of urban and rural, as well as the rich and poor.

The demand for the right to water for livelihoods thus needs to be articulated as follows:

1. Right to Water for Domestic Use

We demand that a minimum quantum of water (similar to the South African model, which stipulates 20 litres per capita per day (Lcpd)) of safe and potable quality should be given free of cost to all, irrespective of class, caste, religion, tribe etc. This must be made a universal right, with a maximum ceiling of eight members per household. For water usage over and above this limit, people should pay at commercial rates.

Water is one of the crucial components in the whole basket that we are talking about on different productive resources that would lead to food security. It plays a pivotal role in bringing food security and has a close connection with women's empowerment.

2. Right to Water for Meeting Basic Livelihood Needs

Water is central to food security and sustainable production. Most agricultural operations have shifted to women and become feminized, and as a result, men migrate to urban areas. Women stay behind and engage in subsistence farming, but with very little access to water and other related resources. Therefore, it becomes imperative to ensure water for sustainable production and food security. The government should also put in place a scheme for protecting and improving the rights of coastal communities, rights over grazing land, and water resources for gram sabhas (village councils).

3. The Need for Context-Specific Policies Determining the Right to Water

There is a need to de-link the use of water from ownership of land, allowing women to gain better access to water. This is not a simple demand which can be quantified, as each region would have diverse requirements. In this context, therefore, it becomes important to have integrated, context-specific land and water use policies that assess the availability of water and natural resources, and juxtapose it with the requirements of the local population. Central to this demand is livelihood planning and carving out water entitlements as per these plans. These plans should ensure land and water for food, as well as livelihood security. Large scale land transfers to industries have meant transfer of surface or underground water resources. First, such allocations should be prevented, especially in cases where the use of these water resources is also required for other common purposes (grazing, drinking water, food production).

4. Right to Voice in Decision Making

A lot of new institutions working on water issues are emerging in the wake of Water Sector Reforms. However, we see women's committees taking decisions only on drinking water, but not on water for production and livelihoods. All water user associations and other such institutions should have 50 percent representation of women, irrespective of land holdings.

5. Gender Sensitive Institutional Reform

There is a need to ensure appropriate investment in establishing gender sensitive institutions for water service providers.

6. Augmentation of Water Resource

Resource investments need to be made for the scientific augmentation of water, which would improve access of women and other vulnerable communities to water entitlements on a sustainable basis. There could be cross-subsidies or incentives for water augmentation/conservation/reuse of water etc.

7. Enforcement Mechanism for Protection

Mechanisms such as community-centred protection committees to monitor and inform violations of laws and rights, with a minimum of 50 percent women representatives and public hearings, need to be promoted and legitimised. Issues such as over-withdrawal of water, illegal control and use of water, as well as pollution need close monitoring and constant awareness.

8. Ensuring Livelihood Security Based on Marine Water

As in agriculture, more than 50 percent of women play a direct role in ensuring food security of households through fisheries, salt farming etc. Implementation of the Coastal Regulation Zone legislation, after appropriate consultations with women and others, should be ensured.

Water needs to be understood as one of the crucial components in the basket of resources that are necessary for guaranteeing food and nutritional security. Unless accompanied by associated resources such as land, credit and skills, it may not ensure creating a sustainable pathway to food security and prosperity.

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Discussion

The discussion in this section centred on the Green Revolution and its impact on different categories of producers and the decision-making mechanism regarding irrigation.

The following is a summary of the discussion.

- The Green Revolution led to a shift to commercialized agriculture and resulted in a marked increase in the production of food grains across the country. The rich farmers bought a lot of land and became richer, whereas the small and marginal farmers became landless. State support, in terms of irrigation facilities, went in favour of large scale commercialized agriculture. The poor were further marginalized. It therefore increased inequities. Women and dalits working on land lost their jobs due to the mechanization. The Green Revolution model has not worked; it has created inequities. Since it was premised on high yielding seeds, which in turn meant high use of water, fertilizers and pesticides, the Green Revolution led to an indiscriminate use of ground water and actually worsened food security.
- There are two distinct decision-making bodies regarding water: one for drinking water and sanitation and one for irrigation. Women's struggles regarding the issue of water revolves around the fact that they do not figure in water for irrigation, while they struggle for their rights with regard to water for drinking and sanitation. After significant lobbying at national and international levels, there has been some decentralization for drinking water and sanitation, and the government has come up with different schemes and programmes. Institutional structures have also been decentralized in some states. For drinking water, decision making powers are assigned at the block level. For Swajaldhara and total sanitation, work plans have to be made at the community level. However, the decision whether or not resources will be given for water and sanitation plans is taken at the district level. For irrigation, all decisions are made at the state level. The 2008 World Water Forum recognized for the first time the need for decentralization. Decision-making powers, in terms of financing plans, are generally confined to block or district levels. Irrigation-related decision-making powers are, however, vested in the states.

Others:

Microcredit and Social Security

Microcredit and social security are the other less talked about, though crucial, elements in the basket of productive resources, without which the realization of the right to food is very likely to remain a distant dream. Both microcredit and social security underscore the need and the desirability to support livelihoods and prevent the poorest from being swept off the map. The two presentations in this session of the roundtable raised diverse issues which impact the food security of households through their effect on livelihoods. The specific aspects that were discussed included the changing paradigms in microfinance delivery, its critical importance for women, women's access and control over finance, and the importance of women's savings, especially in food insecure households. The presentation on social security underscored the need to de-link the concept of social security from that of work and the problem with the household model of existing social benefit schemes.

Empowering Microfinance: A Critical Element of Women's Access to Productive Resources

Smita Premchander, M. Chidambaranathan and Nikita Kaul

Women in Food Insecure Households: Need for Social Protection Measures

Women in food insecure households need grants, subsidised food and cash transfers. Access to social protection schemes and programmes is the first entitlement that they need to have. Food and nutrition security is a human right, and means must be found to provide food security to households, even without microfinance. Responsibilities of the state cannot and should not be absolved through provision of microfinance.

A lot of confusion has been created by the Indian government by mixing grants and loans by providing subsidised loans to SHGs. This has led to diversion of these subsidised loans, away from really poor households, to those who have the means to divert these facilities to themselves, through financial or political means. The provision of such credit and subsidies obscures the advancement of social protection measures, such as grant support and loans.

It is important that food insecure women get access to social protection measures, especially cash grants for household consumption, and access to cash for work programmes, which has become universalised in India through a rights-based approach.

Changing Paradigms in Microfinance Delivery

Microfinance was introduced and accepted as a key element in poverty reduction, which justified its place in development interventions. It helped organisations giving loans become self-sustaining, and appealed to NGOs, the private sector, banks, governments and donors. It suited all those engaged in development to move from 'dependence-creating' to more 'sustainable' interventions, from grants to loans.

Women's savings and credit groups were formed by the millions, and credit and official grants were channelled through these. Such forums, popularly known as SHGs, were seen as a means of reaching women and households in poverty. As of now, there are 6.2 million SHGs linked to banks; 90 percent of these are women's SHGs. The total savings of these groups is estimated to be Rs 35.12 billion (\$0.75 billion). From the early 1980s to 2005, the predominant thinking has been that microcredit will reach the poor, put productive resources in the hands of women, empower them and alleviate poverty.

Meanwhile, the industry has grown to see more and more NGOs transform into Microfinance Institutions (MFIs). Grants meant for development move to create financially sustainable MFIs, while donor money moves from funding rural households in poverty to organisation building. This move has combined an orientation towards 'professional management,' so that more and more MFIs are male-headed, with men as field workers. Therefore, control over cash and its management have stayed in the hands of men and men-controlled organisations.

Microfinance is supposed to provide women access to productive resources. But it has been used again and again to absolve the state of its responsibility.

Rural women's own perspectives on microfinance and delivery mechanisms have been considered irrelevant. Or, worse still, rural women's perspectives have been assumed rather than examined. A supply-oriented microfinance industry has treated women as targets, rather than as agents who make considered decisions and differentiate between the various delivery mechanisms.

The evidence on the ground suggests that women differentiate between their own and external monies, e.g. savings, which have empowering qualities, giving women freedom of how to utilise, when to repay, and how to manage and leverage funds for harnessing more resources. Empowerment is a stage where access and control is not compromised, and where management of money can provide a means of improving leadership, management ability, and increase voice and representation.

Microfinance is supposed to provide women access to productive resources. But it has been used again and again to absolve the state of its responsibility. The fact that microfinance is used more and more to absolve the responsibilities of the state in India is evident from the lack of prominence of the Indian model of microfinance vis-à-vis the Bangladesh Grameen⁸⁴ model. The Indian experiments on SHG-linked microfinance started in late 1970s and early 1980s, and expanded at the same time as the Grameen model was growing. Yet, it was the Grameen Bank model that has received more attention, even in India. The model that is based on private profit from microfinance has been propagated more than the one based on development banking. The latter model uses a public system of accountability of banks to reach the poor. International trends and economic models have been given priority over the Indian model, which has certainly not received donor attention.

Microfinance is an Important Component of Productive Resources for Women

The first and most important economic need for women is access to property and inheritance. Equally important is equal opportunity for education, skills and an income earning ability, through employment or self-employment. The third most important element is access to financial services (and not just microfinance) at reasonable cost and in an empowering context. Emphasis on microfinance should, in no way, undermine or detract from women's rights to their ancestral property, education and skill development.

Women's Access and Control over Money and Organisations

The concept of SHGs began in India in the 1980s. It encouraged women to organise themselves into groups and start pooling money. This money was then loaned as credit to the members of the group for their productive or

⁸⁴The *Grameen* model emerged from the poor-focused grassroots institution, Grameen Bank, started by Prof. Mohammed Yunus in Bangladesh.

consumption needs. It also encouraged women to raise issues and take developmental initiatives for the benefit of their communities. The concept behind SHGs was revolutionary, as it broke several conventional norms and notions surrounding women. It suggested that women could cross barriers, collectivise into groups and deal in money. The idea behind SHGs foresaw and, to a large extent, achieved the objective of ensuring that women have access and control over money, leading to their economic, as well as social, empowerment. It was structured in a way that women could now get loans in their name, something unthinkable a few years earlier. Utilisation of that money was their choice, and repaying the money was their responsibility. How much of the stated objective could be achieved has depended largely on the understanding and capacities of the organisations supporting the promotion of SHGs and the courage of women in breaking norms. Organisations like SEWA Bank in Ahmedabad and Grameen Bank ensured and supported this movement by designing a rule that loans for asset building be disbursed only if the property is in the name of women.

The other face of the SHG movement in India was that it was a base to a larger organisation controlled and managed by women known as Federations. A registered body, Federations puts the control of an organisation in the hands of women. Many institutions that have supported the building of Federations have not transferred the powers to the members, leading to a prolonged dependence on promoting institutions.

There is an acute and restricted dependence on certain models of delivery of microfinance. The movement began with NGOs participating in the promotion of groups for women's empowerment, and struck a balance between the empowerment aspects pertaining to social and economic factors. This, however, has changed into Non-Banking Financial Companies (NBFCs) taking a lead in group formation (Joint Liability Groups), emphasising economic empowerment and treating social empowerment as its by-product. At this extreme are all the commercial microfinance organisations. These organisations charge flat interest rates. The effective interest that women are called to pay can easily range from 48 to 60 percent, while loan repayments have to be made within a year, in 50 weekly instalments. These are very short-term and expensive loans.

Amidst all the discourse on benefits of NGO and NBFC, the oldest model of microfinance has been ignored. The cooperative model in India was legalised many years ago, and has, for years, worked in achieving economic and social empowerment for many. After de-politicisation of cooperatives and states framing their member friendly Cooperative Act, the model is apt for achieving the objectives related to alleviation of poverty and creating empowerment. However, there is an issue of scale. Today, scale is synonymous with success; it is the scale that attracts investments. Less investment in these types of microfinance schemes and fewer success stories have led to lack of proof of concept and lower investment in these forms. This is the cycle in which empowering microfinance is caught.

More recently, savings have turned into the forgotten half of microfinance. While savings mobilisation is seen as important, the preferred microfinance services and organisations are externally managed ones. The issue for them is 'provision of services.' Empowerment and empowering processes are not a concern.

Models of Microfinance

Women can have access to loans of four kinds: subsidised, unsubsidised (from banks), loans from commercial MFIs, and loans drawn from their own savings.

Subsidised Loans

The government subsidises 25 to 50 percent of the loans given through SHGs, and that subsidy is transferred not to the women but to the bank. Thus, banks make the financial adjustments to cover their risks. For instance, if the loan amount sanctioned to an SHG is Rs 200,000 with a subsidy of 50 percent, the bank usually releases only Rs 100,000. It then gets Rs 100,000 from the government as back-to-back subsidy, and has thus ensured that its financial risk is fully covered. Subsidised loans are given to the BPL households holding a BPL card as a proof of their status.

Borrowers have little incentive to return such loans, because they will return Rs 100,000 to get a subsidy of the same amount, and they will lose the interest they pay. It works better for them if they do not repay either the principal or the interest cost. Further, often the borrowers bribe the bank officer and government officer to get a subsidised loan sanctioned. The percentage of bribe can be anywhere from 10 to 40 percent, so the group would have received between Rs 60,000 and Rs 90,000 of the loan amount, and not Rs 100,000 that they are expected to repay. As members see the bribe as a cost of having received a 'benefit,' they perceive it not as a loan to be returned but as a benefit that they have purchased. So, they view it not as a subsidised 'loan' but as the subsidy that they received from the government, which they do not have to repay.

Unsubsidised Loans

The unsubsidised loan model is developing in India. Banks in India started with unsubsidised loans and have realised that this is good investment, because if they give loans to women's SHGs, they repay them. In the southern regions like Karnataka, rural banks now give unsubsidised loans to SHGs. Women have also begun to realise that when loans are unsubsidised, there are no bribes involved and these loans come with the promise of repeat loans, if repaid. Subsidised loans are a one-time subsidy, while with unsubsidised loans, women can build a long-term relationship with the bank and can have continued access. However, even though banks and women have realized this, there is not enough policy recognition of the value of unsubsidised bank loans. Policies related to this model are required, as it is most beneficial to women and banks, as well.

Loans from Commercial MFIs

There are several commercial MFIs that offer unsubsidised loans, usually for one year, with flat interest rates of about 2 percent per month. The effective interest rates are very high; therefore many women who have other options do not opt to take these loans.

Loans from Own Savings

The most important source of loans for women's SHGs, one that we do not recognise, is loans that women take from their own savings. These are also referred to as 'the forgotten half of microfinance.' When women collect savings and take loans from them, they use the money for what they feel is important, usually medical and educational expenses of family members. If they take external money, they are advised not to spend it on food, health and education, as these are considered 'non-income generating' activities, and hence perceived as difficult to repay. Hence health, food and education are all clubbed under 'consumption.' Loans for income generation are considered productive.

It is important to state that if loans are taken from external agencies, they are used according to external priorities. When these are taken from women's own money they are used according to women's own priorities. Women's savings are also the cheapest and most profitable source of funds for them. Therefore, they assign maximum value to loans taken from own savings.

Is Microfinance Productive?

It is now well recognised that:

1. Microfinance goes not to the poor, but to those who are on or just above the poverty line.
2. Microfinance is not used for productive resources but to smooth consumption, and to meet needs such as food, health, and education.
3. External finance goes for investments in Income Generating Activities (IGA). The money that creates food and nutrition security is own savings.

This makes access and control over own savings very important. Most women when asked said that savings is an important component in the process of lifting oneself out of poverty. It also has a psychological impact of lifting the spirits of women by providing a feeling of security and self reliance. Unfortunately, the most used models of delivery, legally, do not offer the service of savings to its members. Assessing the various models of delivery, members do not have the choice to save in many. The organisational form that provides maximum access and control is that of SHGs and cooperatives. We have witnessed a wave of SHG promotion, but the cooperative model is still not preferred, despite the fact that the model factors in and addresses all the aspects of empowerment, not just limited to social and economic, but also extended to enhancement of leadership and managerial capacities.

Cooperatives are an empowering form toward achieving food security. Recently, there have been amendments and a national task force set up under Dr. A. Vaidyanathan to recommend measures to revitalise cooperative credit institutions. The Asian Development Bank (ADB) sanctioned US\$1 billion to implement the recommendations of this committee. However, that project has fallen by the wayside. Most donor organisations continue to prioritise investments in externally owned profit-making microfinance rather than in member-owned MFIs such as cooperatives. As a result, there is a paucity of donor or government funds for investment in empowering microfinance. There is money for externally owned microfinance, but not for cooperatives; for investor-managers, but not for building accountable leaders for member owned organisations.

Why is the Cooperative Model not Preferred?

Even though cooperatives empower men, there has been little investment in women's savings cooperatives in India and across the world. The growing microfinance industry has preferred large scale, externally controlled organisations, which bring in external credit through equity and loan funds.

There is a perception that it is difficult to build illiterate women as leaders and managers. Yet, those of us who build capacities know that illiterate women make very strong leaders and finance managers. In fact, when women leaders are empowered, they question the staff of promoting agencies. It is the staff that fears being questioned. Promoting organisations wish to retain power and control over finances and decision-making, and resist being accountable to women. They also want to ensure financial sustainability of the promoting organisation, the NGO or the MFI, and therefore do not prefer the cooperative form, wherein women, rather than the promoters, earn the profits.

Good Practices

There are several examples of good practices of empowering cooperatives in the country. Sampark,⁸⁵ an NGO based in Karnataka, has promoted 10 cooperatives in Koppal district, with over six years of support in building women's capacity to manage their own organisations. It forms SHGs and builds them up in Federations, which are then registered as cooperatives. This is different from other states, for example, in Andhra Pradesh, where there are three or four layers of organisations built up on the basis of very strong government support. In Sampark, when the staff discussed this issue with women, they were sceptical about too many tiers within collective organisations. One important reason was that they thought they could not manage. They believed that they could learn to grow step by step. For instance, from a 20 member SHG group, they could have a second tier organisation of 300 women who could manage that. However, they felt that they would not be able to manage a third tier, and needed instead to move more slowly. So, Sampark stopped short of a third layer for some years. Second, their demand was that profits have to be divided equitably. So, if the interest charge on the loan is 24 percent, 12 percent goes to SHGs and 12 percent to the federation. If the third layer is added, then it immediately becomes divided. With every tier of organisation, costs increase and profits go down; hence the women opted for only two levels.

Conclusion

Women who live in food insecure households must have access to cash grants and other social protection measures such as medical insurance. Next, they need access to inherited properties, so that family wealth is equally divided between women and men. Women, however poor, can make small savings, and as managing these is empowering for them, it is important that the microfinance sector promote more and more women's cooperatives, as compared to other forms of microfinance delivery organisations. Women's access and control over their own savings is the most empowering and effective social protection net for food insecure households, and should not be compromised under any circumstances.

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⁸⁵Sampark was established in 1991 in Bangalore. The field office was established in 1998 in Koppal in northern Karnataka. The organisation's mission is to help vulnerable and poor people, especially women, gain direct control over and improve their lives. This is achieved through interventions aimed at achieving financial well being, economic well being, healthy living and literacy.

Linking Social Security with Right to Food

By Priti Darooka

There is an urgent need today to include social security in the existing discourse both on poverty, as well as empowerment. This need arises from the increasing threat to livelihood resources, income and subsistence along with the disintegration of traditional forms of social security systems; and hence a direct link to food security and right to food of an individual, family and community.

Social Security is a state obligation to ensure that no one falls below an accepted, adequate standard of living for a life with dignity. As a human right social security should have a universal coverage.

Before the Social Security Bill got passed in India, the concept of social security got both defined in terms of as well as confined to the formal sector workers, which constitute only 7 percent of the total workforce in the country. Until recently, 93 percent of the informal sector workers, about 430 million people in terms of numbers, were denied social protection and remained outside the safety net.

Women constitute a third of the informal sector workers. Add to this the fact that women's work mostly does not get seen as work and women do not get counted as workers and the numbers will be far higher. Social security is thus a women's issue. It is also a women's issue because women in all sectors of the society are the poorest and when social services are cut, it is undisputedly the women who bear the worst brunt. It is also important to stress on the fact that every time the social service budget is cut, the burden from a productive economy gets shifted to the care economy, which is almost exclusively women's domain.

Most women work- they work for wages, or at home, or outside, or in small farms, enterprises, formal or informal sectors, and the work domain of women is mostly not confined to one of the above, but is usually a combination of two or more. Yet women are not seen as workers. Their work is not recognized as work. Their work remains invisible and their contribution to the economy is not recognized. They are therefore not entitled to any kind of workers' rights or protection. Gender discrimination is endemic, both inside the house as well as outside. Women get pushed into gender specific roles. The free market economy adversely affects them and they get pushed down to even lower levels. Women mostly do not own property and assets, and if they have ownership rights, they lack control.

The elaboration of social security under the Convention on Economic, Social and Cultural Rights, leaves much to be desired. It defines social security as workers' rights. From the women's rights perspective and a human rights perspective, it is important to insist that work cannot be the pre-requisite to getting social security, because such a conceptualization works to the disadvantage of women, because women are not seen as workers, even though women work. It should be recognized as a human right, applicable to everyone equally, regardless of whether you take up paid work or unpaid work.

Existing social benefit schemes come to a household. The household model, premised on notions of the male bread winner, with women and children as dependents, does not ensure that social security benefits get shared equally and fairly within members of the household. Women must be recognized as independent citizens with equal rights. And social security must be an individual entitlement, rather than a household entitlement, so that the hands that care and cook and wash and clean and earn are not left out.

Discussion

At the end of the session there was a request for more detailed information on subsidized loans. The discussion that followed went beyond the question of loans and covered a wide range of topics including women's access to agricultural loans, the working of SHGs and the fact that the poorest have been left out and how far the SHGs have served the cause of women. The discussion on social security included the issue of conditional cash transfers and whether or not it is desirable, as well as a debate on universalisation versus targeting of social security benefits.

The following section summarizes the main points that emerged in the discussion.

- The average loan size in the country is Rs 5,000 per woman, while for men it is Rs 24,000. Credit as part of the productive resource for women, is short term, must be returned every week and is a small amount and therefore not investment on valued finance. Livelihood finance is a requirement for food security. Unfortunately, women's cooperatives do not have equity and money, while the primary agricultural cooperatives led by men have huge buildings, subsidies, and grants for 15 years. Therefore, while women continue to be in the farming sector, men have been moving away from it for the last 15 years. The institutions are completely dominated by men. Let us chose empowering models of microfinance over others.
- Microcredit and microfinance have become state subjects. There are large-scale promoted programmes; many of them foreign-funded. Large-scale promoted programmes become a launching pad for existing farmers. They utilize the project to promote their hegemony.
- SHGs are small groups working for themselves and for women's empowerment. The model has been taken and up-scaled by the government to be used as a safety net. The SHG movement in the country is just a safety net in the process of globalisation and it is serving that purpose. Though it cannot be denied that a section of the women have benefited, a very small section has gained better security and the poorest women are outside the movement. Some of them are not in a position to repay their loans because they need a grant. So they continue to remain outside the system. The SHG movement was never meant to serve women's issues. It was meant for buying votes.
- There is a lot of opposition to Conditional Cash Transfers (CCTs) in India. Most of the groups that talk about CCTs want to begin with food subsidy, which they want to convert into cash. Much of the public discourse, which is extremely uninformed, is perpetuated largely by economists who continuously suggest that instead of giving food grains cash should be given. CCTs have barely worked in situations where the supply side is fixed. A child can be motivated to go to school by giving the family money if there is a functional school in the neighbourhood. In India, the supply side has completely withered away and the global experience suggests that CCTs work in areas where the supply side is much better than what exists in India. There is also a gender dimension. We know that we have one of the most gender iniquitous societies in the world and when cash comes into the home, it is controlled by men and not women. This is completely different from Latin America where the situation is much improved. CCTs have worked in societies where the level of monetization is higher than in India. Large swaths of people in India do not live in highly urbanized and monetized economies. This is not an argument against CCTs, but rather one on food that is deeply sceptical. The reason why cash transfer does not work in the food sector is because the government is the largest procurer; it pays a minimum support price to the farmer, thereby stabilizing farm-gate

prices. The logic for that procurement is to release food through PDS. That logic will collapse, therefore taking with it the mechanism for realizing the farm-gate prices. The second argument is that the food grains coming into the household are more likely to be controlled by women, as compared to cash. If coupons are given for cash it will be transferable and not adjusted for inflations. In the last two years, the country has seen an enormous hike in food prices. If cash or coupons are given they cannot be adjusted against inflation. The level of entitlement would fluctuate.

- There is a debate in the human rights community on whether social aids or social security should be universal or targeted. The debates are very well founded on both sides. Too little targeting may mean that those who need to be helped will receive comparatively low levels of support. On the other hand, targeting if it is not well practiced may mean that certain groups will be left out, and those just above the group that is targeted for benefits will not see their welfare and incomes supported, even though they may be in a very difficult situation, particularly if they are just above the poverty line. In addition, targeting may mean certain bureaucratic requirements, which may be difficult to comply with for the most poor and marginalized segments of the population.
- Fortunately in India there is not much debate over universalisation and targeting, except by the World Bank and neo liberal economists. It is recognized that universalisation as a principle is good. In a country where 77 percent of the population is living on a per capita expenditure of less than Rs 20, there is no logic in targeting. Moreover, India has had a miserable experience with targeting. The basic question regarding targeting and universality is whether human rights activists should be concerned with the fact that no one is left behind or whether we should be pre-occupied with the fact that the few who do not need it will get the benefit. Discussion on universality versus targeting often gets pitched for a discussion on those deserving and those undeserving. The assumption is that universality requires more resources, but in reality, the administration of a targeted programme is more expensive. There was a discussion on whether universality would mean reduction in benefit. Universality is more efficient in a country like India, even in terms of costs of implementing and monitoring. Views expressed against targeting focussed on adhocism. It was said that targeting involved specific sections of the population and specific regions without any real need assessment mechanism for monitoring. There was also a debate on who constitutes the poor and how poverty can be categorized and measured. Targeting created a race for being counted among the poor. It lead to a situation where instead of moving ahead and developing, the poor are trying to prove how poor they are and in that process ensuring their count among the lowest caste, among the dalit. It completely distracts from what is called 'desire for development' in a community.

Update: The Right to Food Bill in India

India has the most appalling statistics on malnutrition and poverty. The current debate on the Right to Food Bill has to be contextualised in terms of the fact that we are today a net exporter of food, while at the same time we have the largest section of hungry population of the world. The concluding presentation at the roundtable was an update on the situation in the country in terms of realization of the right to food for all.

The Struggle for the Right to Food in India

Biraj Patnaik

Over the past two decades, India has emerged as the second fastest growing economy in the world. Despite this, India is burdened with one of the highest rates of child malnutrition. Child malnutrition levels in India—measured at 46 percentile height for age⁸⁶—are nearly double the rate in sub-Saharan Africa. Pause for a minute to understand what this figure means. It means that the hardest lesson nearly half the mothers in this country have to teach their children is how to live with hunger. Mothers aren't doing too well either. Anaemia amongst pregnant women (15 to 49 year age group) has increased from 49.7 percent in 1998-99 to 57.9 percent in 2005-06. Furthermore, 300 mothers for every 100,000 live births die during child birth⁸⁷ in India. This Maternal Mortality Rate (MMR) is amongst the highest in the world; most of our neighbours in South Asia do better than this.

Anaemia among children in the age group of 6 to 35 months is at an astonishing 79 percent according to the third round of the National Family Health Survey in 2006.⁸⁸ Our infant mortality rate (IMR) of 53 for every 1000 children is equal to the average infant mortality of the least developed countries in the world, and two and one-half times that of China. Nearly one-third of all babies born in India are low birth weight, whereas the average for Africa is just half of this figure, at 15 percent. The National Nutrition Monitoring Bureau tells us that close to 40 percent of our adult population has a Body Mass Index (BMI)⁸⁹ of less than 18.5; this makes the situation in India 'alarming,' as per World Health Organisation (WHO) norms.

⁸⁶Patnaik, Biraj, "The Right to Food", Infochange Agenda, <http://infochangeindia.org/200610105671/Agenda/Hunger-Has-Fallen-Off-The-Map/The-right-to-food.html>

⁸⁷Patnaik, Biraj, "No Country for the Common Man," Governance Now, http://www.governancenow.com/views/columns/no-country-common-man?quicktabs_4=1

⁸⁸"National Family Health Survey, India", NFHS-3, <http://www.nfhsindia.org/pdf/India.pdf>

⁸⁹Body Mass Index (BMI) is a simple index of weight-for-height that is commonly used to classify underweight, overweight and obesity in adults. It is defined as the weight in kilograms divided by the square of the height in metres (kg/m²). For example, an adult who weighs 70kg and whose height is 1.75m will have a BMI of 22.9. $BMI = 70 \text{ kg} / (1.75 \text{ m}^2) = 70 / 3.06 = 22.9$. Source: http://apps.who.int/bmi/index.jsp?introPage=intro_3.html

India is ranked 65 out of 88 countries in the Global Hunger Index (GHI),⁹⁰ below Cameroon, Kenya, Nigeria and even Sudan. We are five places below Cambodia. If this news is not bad enough, we manage far worse in the United Nations Development Programme's (UNDP) Human Development Index (HDI),⁹¹ occupying 134th place. What makes these statistics particularly appalling is the fact that India produces enough food to feed its 1.2 billion citizens. In the past two decades, India has emerged as a net exporter of food, and yet it continues to carry the burden of the largest section of hungry people in the world.

Background to the Struggle on the Right to Food

This is the reality in India that is less known outside, and which activists and campaigners on the right to food have been struggling to overcome in the past decade. In recent years, the battle against hunger has been placed in the centre of the development discourse, largely due to the efforts of the Right to Food Campaign, and as a direct result of a petition filed in the Supreme Court of India.⁹²

The petition was filed by the People's Union for Civil Liberties (PUCL) in April 2001 to seek legal enforcement of the right to food. This case, popularly known as the 'Right to Food Case,' has since become a rallying point for trade unions, activists, grassroots organisations and NGOs to make the right to food a legally binding right. While the Indian Constitution does not explicitly mention the right to food as a fundamental right, it is implicitly enshrined in Article 21 that outlines the fundamental 'right to life' of every Indian citizen. In Article 47 it is stated that '*...the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.*'⁹³

The Indian Judiciary, in particular the Supreme Court, has on many occasions affirmed that the '*...right to life enshrined in Article 21 means something more than animal instinct and includes the right to live with dignity; it would include all these aspects which make life meaningful, complete and living.*'⁹⁴ Similarly, other statutory constitutional institutions like the National Human Rights Commission (NHRC) have also suggested that there is a fundamental right to be free from hunger.⁹⁵

⁹⁰The Global Hunger Index (GHI) is a tool adapted and further developed by the International Food Policy Research Institute (IFPRI) to comprehensively measure and track global hunger. The GHI incorporates three interlinked hunger-related indicators—the proportion of undernourished in the population, the prevalence of underweight children, and the mortality rate of children. The GHI aims to raise awareness of regional and country differences in hunger and trigger action to eliminate hunger. Source: <http://www.ifpri.org/sites/default/files/publications/ghi10.pdf>

⁹¹The Human Development Index (HDI) is a summary composite index that measures a country's average achievements in three basic aspects of human development: health, knowledge, and income. It was first developed by the late Pakistani economist Mahbub ul Haq with the collaboration of the Nobel laureate Amartya Sen and other leading development thinkers for the first Human Development Report in 1990. It was introduced as an alternative to conventional measures of national development, such as level of income and the rate of economic growth. Source: <http://hdr.undp.org/en/statistics/hdi/>

⁹²Supreme Court of India, *PUCL vs. UOI and Others, Civil Writ Petition 196, 2001.*

⁹³Constitution of India, Part IV, Article 47, *Duty of the State to Raise to Level of Nutrition and Standard of Living and to Improve Public Health*, URL: <http://indiacode.nic.in/coiweb/coifiles/part.htm>

⁹⁴Supreme Court of India, *Maneka Gandhi vs. UOI, All India Reporter SC 1978: 597*

⁹⁵NHRC, *Orissa Starvation Death Proceedings, Case No. 37/3/97-LD, Jan 17, 2003*

The Indian Supreme Court in the Right to Food Case has passed more than 100 interim orders so far, which have had a far-reaching impact on the fight against hunger. For instance, it converted all the existing food and employment schemes in the country into entitlements that are legally binding in a court of law. With a single stroke of the pen, the Supreme Court ensured that a universal school MDMS covering 120 million children studying in primary schools in India was put in place. Similarly, it universalised the access of 160 million children below the age of six to six essential services of nutrition, pre-school education and primary health care. It expanded the range of pensions for older people living below the poverty line in India, and ensured that all of these entitlements reached these people. The efforts of the Supreme Court have led to a five-fold increase in the government's spending on food schemes since 2001. While NREGA, which guarantees 100 days of employment at minimum wages to every rural household in the country, emerged out of a separate process of political mobilisation, involving a wider range of stake holders, it was also facilitated by the overall environment created by the Right to Food Case and the campaign.

Ten years ago if a bureaucrat was asked about the Right to Food Act, he laughed at it.

The logic is to take all these entitlements, convert them into rights and put them in a legislative framework and say that right to food for every category of child, adult, pregnant woman, lactating mother and old person has a clearly defined legal entitlement.

In 2003, the Supreme Court established its own system of monitoring government food and employment programmes by appointing its 'commissioners' who would report directly to the court on the compliance of orders passed. The commissioners were also given the powers to direct state governments and the government of India to comply with the court orders, and also charge the senior-most officials of the government with contempt of court.

The Current Debates on Right to Food Legislation in India

The current debate in India is around the legislation on the right to food. The Right to Food Case brought into mainstream discourse the right to food in India to the extent that today the Indian government is contemplating the Right to Food Act and National Food Security Act (NFSA).

There are many debates around the Act in which activists and government are engaged. First, the Right to Food Campaign believes that all entitlements on the right to food should be universal; every citizen, irrespective of economic status, should enjoy access to subsidised food grains and access to all food programmes. The government, on the other hand, is keen to restrict these benefits only to those families who live below the poverty line. The official poverty line in India is virtually a 'starvation line' with 28 percent of the population beneath it, whereas nearly 77 percent of the

The logic is to take all these entitlements, convert them into rights and put them in a legislative framework and say that right to food for every category of child, adult, pregnant woman, lactating mother, old person has a clearly defined legal entitlement.

population in India subsists on less than Rs 20 per day. Activists believe that restricting the provisions of this Act will make it ineffectual in tackling the problem of widespread hunger.

The second debate pertains to whether the Act should cover just food entitlements, or also look at nutrition security. While the government is keen to restrict it to food, the Right to Food Campaign believes that it should look at the wider ambit of nutritional security, as well as access to clean water and adequate sanitation.

The third debate focuses on whether the Act should have just a single entitlement of subsidised food through the PDS or multiple entitlements that have already been created by the Supreme Court in the Right to Food Case. Powerful sections of the government seek to restrict it to a single entitlement since this would limit the financial implications; however, the Right to Food Campaign believes that such a restriction would kill the spirit of the legislation.

Lastly, the Right to Food Campaign believes that any legislation that guarantees the right to food must have enabling provisions that promote the growth of livelihoods, encourage local production and procurement, and prohibit further alienation from land and other natural resources vital to food security.

What Is happening to Governance on Right to Food Now?

Beyond symbolism, the policy choices that continue to be made are mired by the decades old belief in trickle-down economics and the senseless pursuit of growth at all costs. Social sector expenditure in this paradigm is viewed largely as wasteful expenditure that needs to be assiduously avoided if the fiscal deficit has to be controlled.

The United Progressive Alliance (UPA II) Government proposed to legislate on the Right to Food Act. One recent development is that the government has set up an Empowered Group of Ministers (EGOM) to approve a draft that has been deeply criticised. The NFSA was touted to deliver the same electoral gains that the immensely popular National Rural Employment Guarantee Scheme is perceived to have delivered for UPA I. The NFSA had the backing of Mrs. Sonia Gandhi, the leader of the ruling alliance and chairperson of the National Advisory Council. The NFSA featured in the president's address to Parliament, and in two budget speeches by the finance minister, in addition to countless references by the prime minister and Congress party.

However, the manner in which the proposed NFSA is unfolding is unsatisfactory. The draft bill produced by the EGOM, for instance, begins by ringing the death knell for food security in the country, with the premise that it will deal only with the food grain subsidy and not nutritional security. This is a self-defeating, self-imposed limitation for what could potentially be a historic piece of legislation. The bill essentially concludes that the Indian state can achieve food security for all by providing 25 kilograms of food grains at Rs 3 per kilogram to all BPL households identified, according to Planning Commission estimates. The 25 kilograms that the Bill promises are, in fact, less than the 35 kilograms, which have already been made a legal entitlement by the Supreme Court in the landmark Right to Food Case. The poverty numbers of the Planning Commission fall way short of what is required to deal with the nutritional emergency that the country faces. To add insult to injury, all the critical components that should have been part of this bill, including Mid Day Meals in schools, pensions, special programmes for very vulnerable people and maternity entitlements, find no place in the Bill. What makes this even more unconscionable is the fact that most of these programmes are already in place. They are being implemented across the country with an annual fiscal outlay of close to Rs 80,000 crore. And since they are all sub-judice in the Right to Food case, in the Supreme Court, the government cannot discontinue or cutback on any of these entitlements. All that the government was expected to do was to bring these programmes under the legislative fold within a better framework of accountability.

The subsequent bill prepared by the National Advisory Committee corrects many of the short-comings of the Bill approved by the EGOM but falls short of the promise of universalisation. While the NAC version of the Food Security Bill has been forwarded to the Government, it is unlikely to be accepted in the form that it currently in. Going by the track record of the government, the NAC draft is likely to be further whittled down, the grievance redressal sections make tokenistic to make it less accountable, and the minimalist guarantees, further reduced. From the perspective of the Right to Food Campaign, the battle would have to be fought all over again.

To be true to the spirit of the struggle for right to food, the Bill would have to, at the very minimum, convert into rights all the legal entitlements that the Supreme Court has created over the past decade. It should have taken this opportunity to plug the gaps in existing programmes and created new programmes for the marginalised people, who are outside the radar of policy making today. It should have created a strong framework of accountability along the lines of the Right to Information (RTI) and the NREGA, with independent monitoring mechanisms. And it should have created a set of enabling provisions for enhancing food production in the country, and advancing rights of the poor over productive resources. None of this is likely to happen now without a deepening of the people's movements and greater public resistance.

As the debate deepens on the NFSA in India, the battle against hunger is at an epoch-changing moment. It is a battle that India cannot afford to lose.

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Discussion

At the end of the last session of the roundtable, there was a lively discussion on the Right to Food Bill in India. The issues discussed have been summarized below.

- The draft bill that the civil society has produced envisages an independent mechanism for oversight which includes civil society members. A national conference, as in Brazil and other countries, where the civil society is an active partner is unthinkable in India.
- For the NFSA, most of the funding comes from the centre for food programmes. For programmes like MMS, Integrated Child Development Services (ICDS) and other programmes, the contribution of the state government varies between 25 to 50 percent of the total funding. But in most cases this does not happen and most programmes end up getting funded by the centre. It is the centre that has to find the money. In the constitutional framework of the country, food is in the concurrent list which means that constitutionally it is the responsibility both of the state and the centre. Therefore, the central government can never make a legislation that can prevent the states from doing more. They can only set minimum standards. The centre cannot prevent the states from doing more. This draft will allocate the major fiscal burden, approximately 90 percent, on the centre.

Concluding the Dialogue

PWESCR's goal in hosting the roundtable was to provide critical information and thoughtful analyses from women's perspectives on the issue of productive resources that can inform the Special Rapporteur's upcoming report to the U.N. General Assembly, as well as to generate engaged discussions on the myriad issues crucial to ensuring the right to food.

For women, especially the most marginalized, the legislation on the right to food must have the backing of coordinated legislation that ensures women's access, ownership, control and management over productive resources, which are vital for women as a human right. At the minimum, if more and more of the marginalised sections who are outside the radar of policy have to be brought in, the legislation on the right to food would have to convert into rights all the legal entitlements that the Supreme Court has created over the past decade—with a complete focus on women.

Moreover, social security gives the much needed protective cover to women, vulnerable as they are on several counts. Social security has, at best, been viewed as a workers' right. The official definition of 'work' and the fact that 'work' has been made a prerequisite for social security disadvantages women because much of women's work finds no recognition in official policy. Social justice demands that a human rights based social security should be a right that everyone should enjoy equally, regardless of whether you work or not, and regardless of whether you do paid and unpaid work. These basic rights would ensure that no human being falls below an accepted standard of existence and life with dignity.

To conclude, the right to food which has taken on such urgency in recent years is inextricably linked to people's daily livelihood pursuits. Right of women to livelihoods is a human right and should be recognized as such. For sustained livelihoods and a life of dignity, official recognition of the many small productive activities that women pursue around their households and habitats is critical.

The roundtable was organised in conjunction with the Special Rapporteur's regional consultations on land, which will inform his upcoming report to the Human Rights Council on land and the right to food. Olivier De Schutter's mandate currently focuses on nine priority areas which include: agribusiness, agrofood paradigms, climate change, food aid and development cooperation, governance and the global food crisis, intellectual property rights, land rights, national implementation and trade. It was very forcefully articulated at the roundtable that the Human Rights Council set up a special procedure on exploring the right to livelihood and the UN Committee on Economic, Social and Cultural Rights elaborate on the right to livelihood in a general comment. A mere recognition in the Special Rapporteur's mandate of the fact that activities connected with land are activities of livelihood for women, would, it was hoped, go a long way in protecting and enhancing women's livelihoods. Similarly, the demand for gender disaggregated data on productive resources, if endorsed by the Special Rapporteur, would give to civil society organizations a tool par excellence with which to monitor women's disadvantaged position vis-a-vis resources and advocate for a better deal.

Some of the key recommendations from the roundtable were as follows:

1. Right to livelihoods should be recognized as a human right.
2. All activities of women on land should be recognized as livelihood activities, which are critical to a life with dignity.
3. To ensure right to food for all, it is essential for women to have ownership, access, management, and control over productive resources as a matter of right.
4. Local food production and distribution of locally produced food, as opposed to processed food, should be encouraged.
5. Trade agreements should not violate right to food and livelihoods.
6. Food prices should be inflation proof to ensure affordable and quality food for all.
7. Sustainable agriculture should be promoted by adopting the three 'NO' approach: NO to genetically modified seeds, NO to seed patenting and NO to patenting of life forms.
8. Policy alternatives that recognize women's contribution should be developed with emphasis on production of food, biomass generation, traditional seed management, fuel wood and fodder security and prohibition of alienation of land and natural resources and ensuring sustainability of the environment.
9. Farmers' indigenous knowledge and local seed varieties should be protected and promoted to ensure agro bio diversity.
10. Financial support should be extended for livestock including maintenance of small and draught animals.
11. Social and cultural factors should not be used as an excuse to deny women their rights to productive resources.
12. Women's access and control over their own savings must be protected as it is an effective social protection for food insecure households.
13. Government should provide sex disaggregated data, especially disaggregated along caste, minority, and ethnicity, rural and urban lines for all productive resources.
14. Women's equal and engaged participation in decision-making should be ensured in all issues connected with productive resources.

PWESCR and the women at the roundtable hoped that the Special Rapporteur would use his mandate to advocate for these issues and help carry them forward.

Epilogue

Allow the Hungry to Feed Themselves and the Rest of the World World Food Day, 2010 Sarath Fernando

The world is commemorating the World Food Day on October 16, at a time when the food situation in the world has only become more precarious. The lessons we have to learn from the experiences in trying to feed the world are very important. This is not because of the successes but because of the failures. The world leaders have almost come to a situation in which they need to admit that their efforts so far in trying to solve the world's hunger have failed and they are not in a position to find effective solutions. It is time to allow the hungry to feed themselves and the rest of the world.

In 2000, the world leaders met and decided to set up the Millennium Development Goals (MDGs), wherein they promised that they would reduce the world's hunger by half by 2015. There were 840 million people then, who were going to bed hungry every day. They should then have realized that all these 840 million people would be dead when they reached this target. But they went ahead. Now, the number of people who are hungry has not reduced, although two thirds of the target period has elapsed, but the number going hungry has increased to 1.2 billion. The discussions that were held at the World Conference on Food Security convened by FAO to see what could be done by 2050, when the situation becomes much more serious, ended inconclusively without any effective working strategy.

So, the task of the people on food and on Food Day should be to emphasize that the present leaders of the world are unable to find solutions to the problem of hunger. Other agencies must undertake other strategies to find solutions to the problem. The world fails to solve hunger not because the world does not produce enough to feed all, not because the technical capacity to produce enough food is lacking. It is simply because food is produced, not mainly to solve hunger, but to make profit. The entire activity of food production, processing and marketing is largely dominated by big companies that are more concerned with making greater profits rather than feeding the hungry. Much of the land and other natural resources that are necessary to produce food are in the hands of big companies, which have strong control over seeds and inputs and also over technologies utilized to produce food. The process of land grabbing by the rich has only intensified.

The recent crisis of increased food prices was caused due to food being used for production of bio-fuels, more meat production leading to much food being produced to feed animals rather than to feed people, and large scale migration into cities—populations in the cities now compare with rural areas 50:50. Another factor that is affecting food production is global warming, resulting in climate change, which is leading to lower crop yields. If you examine each of these reasons, they are due to food production control by profit-motivated producers. The reasons for failure of world leaders to find effective solutions are due to the fact that they do not want to change this situation of allowing the big profit makers to have control and ownership over food production, seeds, marketing and food producing resources of the world.

This situation can be changed only by transferring the task of feeding the hungry away from these profit making controllers to the hands of those genuinely interested in solving hunger. Who are they? They are the hungry people of the world. How can they do it? If they do not have the capital presently needed to produce food, they have to think of strategies that do not depend on financial capital. Can the world think of a strategy that does not depend on financial capital to produce its food?

In solving this issue, it is necessary to recognize that the type of agriculture prevalent today is very heavily input-dependent. The ecological impacts of such external input dependent agriculture have been found to be drastic and damaging. World scale studies that have been done recently, such as the IAASTD (International Assessment of Agricultural Knowledge, Science and Technology for Development) completed in April 2008, showed that the prevalent form of agriculture, though capable of producing much food and much diversity of food, has committed two serious mistakes in ignoring the social and environmental aspects of agriculture. This was important research done by 400 prominent scientists, commissioned by the world's leading institutions, who studied this in numerous countries, over a period of four years. It was finally accepted by nearly 60 countries of the world. There is an alternative approach advocated by very large farmers' movements such as Via Campesina (world peasants' movement) and very large movements of small and landless farmers such as MST in Brazil, who are promoting small scale ecological agriculture by small farmers as a more effective way of solving the problem of hunger.

The major difference in this approach is to make use of nature's advantages, such as maximizing the use of sunlight and bio diversity, improving soil fertility by preventing erosion, maximizing the benefits of microbial activity by adopting techniques that maximize the presence of microbes in the soil and also utilizing methods of integrated pest management instead of chemical pest control, chemical weed control and use of chemical fertilizer etc. Utilizing mixed farming rather than mono-cropping is another technique. This approach is fast growing in many countries in spite of massive propaganda by agribusiness Trans-National Corporations (TNC) to continue their previous techniques that only bring profits to the larger operators at the cost of making many farmers poorer and more people hungry. Introduction of genetic modifications etc have been done not so much for their effectiveness in sustainability of agriculture, but for the possibilities of maximizing profits in the hands of big companies.

We have been able to contact some practices that are developed in India by people such as Mr. Subash Paltekar, who has done many years of research in developing the technique that he describes as 'Zero Budget Natural Farming.' This strategy has now been adopted by around 4 million farmers in India. It is a simple technique that utilizes the basic principle that farming is done free of charge by nature. The technique utilizes only a simple formula named '*jeevamurtha*,' a mixture of dashy cow dung, cow urine, some sweetener such as jaggery or coconut water, powdered cereal and a handful of soil from the neighbourhood that contains microbes present in the environment. A similar

mixture named '*beejamurtha*' is utilized to prepare seeds for germination. What is important is that this application requires no financial input and utilizes natural farming. These mixtures require only two days of fermentation to be ready for application and the result is immediate.

On the whole, what is important in feeding the hungry is to allow the people who are threatened with hunger to develop their own techniques of finding their food by going back to nature and benefits of natural farming. What is necessary is to remove the policy obstacles that exist against this strategy. Already much has been achieved by way of techniques of natural farming. Sometimes these techniques are called organic farming, or ecological farming. It can also be named regenerative agriculture, since the proper techniques of natural farming will also help in restoring the ability of nature to regenerate itself.

Restoring the capacity of nature to regenerate itself is a need for survival of all human beings and all other life forms. From this point of view, this restoration of agriculture into its natural process of regenerating nature is an essential requirement to ensure survival. This is highlighted in the other crises such as the crisis of climate change and global warming, as well. Therefore, the tasks that should be achieved in our techniques and policies of food production need to be highlighted on the World Food Day. Any approach that restores the capacity of nature to regenerate itself has the moral right to claim ownership and control over agriculture. Thus, the poor and hungry people have a moral right to claim control over agriculture, technology, and resources of land and nature for production of food. Those who destroy this potential have no right to claim control and ownership.

It is equally important to realize that a sizeable section of people going hungry are women (also children) that are recognized as the world's poorest with high levels of malnutrition, especially those from marginalized sections of society. As men migrate to cities, women have taken on greater responsibilities in agricultural and forest economies, coping with many negative climatic changes. Policy makers have to be firmly reminded that it is these women, who by taking on many activities (however small the income), are struggling to keep their households alive. Hunger indeed, has a serious gender dimension. Few have asked how best these women can be helped to help themselves.

In Sri Lanka

In Sri Lanka, the need for this transformation of agriculture is very high. There are many factors related to food and agriculture in Sri Lanka that cannot be effectively solved without this transformation. In summary, these needs are to reduce the cost of food to the poor, reduce the present rates of malnutrition that have prevailed at unacceptably high levels for over twenty years and damage not only the physical growth of children but the development of their brains too. A study done by the Ministry of Health, UNICEF and WHO in March 2010 showed that the rate of malnutrition in the plantation children was as high as 40 percent. Even in other agricultural districts, it was higher than 20 percent. Another serious issue in Sri Lanka is that much of the food that is available is unhealthy, chemically produced and chemically contaminated. Food marketing is entirely in the hands of private companies and artificially processed food is heavily promoted. Sri Lanka depends unnecessarily on imported food, imported seeds and imported agricultural inputs. Introduction of commercial seeds of F-1 variety that cannot be used repeatedly is destroying the natural seed potential in the country. Unless we change this pattern, Sri Lanka's agriculture and food situation is doomed.

The potential for adopting ecological and natural farming in Sri Lanka is very high. We have enough sunlight throughout the year, as well as enough rainfall and water. Bio diversity and food diversity in Sri Lanka is very high

and can be further improved. The fact that we still have a very large population of small holder farmers could serve as an advantage. This is because small farms can adopt this type of ecological farming with great efficiency. This can reduce the tremendous growth of health hazards that are caused by insufficiency of food and by unhealthy artificial food, chemically contaminated.

Although government policies still give much priority to private sector agricultural control, people on their own have already done much by way of small scale ecological farming. A survey conducted by the Movement for Land and Agricultural Reform (MONLAR) in early 2008 showed that there were around 538 organisations in the country that were promoting and practicing some form of ecological farming.

The present government has many programmes trying to address issues of rural poverty and food insecurity. 'Api Wawamu Rata Nagamu' (Let's grow and build the nation) is a programme that envisages building of four million home gardens. Another programme is 'Gama Neguma' or improving rural livelihoods and reducing rural poverty; additionally there is 'Gemi Diriya' (supported by the World Bank) and so on. Unfortunately, none of these programmes have a clear vision and strategy of ecological agriculture. This failure is largely due to the heavy influence of private companies such as CIC, Prima and others dealing with chemical agricultural inputs and commercial food that utilizes the government to promote the type of farming that is beneficial to them to sell their inputs, seeds and technologies. What we need to do is to propagate the more effective alternatives that are very applicable and beneficial to Sri Lanka, to the farmers and also to consumers. This would be the best way of preparing to face the future challenges of the country and also of the world.

It is time to set a new agenda of food production that allows and encourages the hungry and the poor to take over the task of feeding themselves and develop effective approaches that can feed the rest of the world. This approach can save the hungry from dying of hunger, the poor from extreme forms of poverty and also all others from ill health caused by unhealthy food and unhealthy environment; and can save the world from environmental calamities.

Sarath Fernando (*sarathfdo@sltnet.lk*) is one of the Founders of Movement for National Land and Agriculture Reforms (MONLAR). He has over 36 years of extensive experience working the farmers' movements in and out of Sri Lanka. Some of his recent involvements include: Global Movement, South Asia Alliance for Poverty Eradication (SAPE), Anti- Globalization Actions Against Neo Liberal Policy, Policy Advocacy on Socio- Economic and Political Issues, and Preparation of Peoples' Proposals Against Hunger. Sarath released this statement on World Food Day.

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