

# **Land Rights of Women In Tripura**

A monograph based on  
a research study undertaken by

## **Tripura Commission for Women**

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Sponsored by

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## **Preface**

Rights to land are defined as legally and socially recognized entitlements to land that are enforceable by a legitimized external authority that could be a village level institution or some high level judicial or executive body of the state.

Rights in land can be in the form of ownership or usufructuary rights associated with different degrees of freedom to lease out, mortgage, bequeath and sell land. Ownership or usufructuary rights combined with the right to exercise control over land constitute effective land rights.

The study is based on the premise that it is important for women to have effective rights in land and it studies the land rights of women in Tripura, a state in north-east India. The study assesses the extent to which the women of Tripura enjoy effective rights in land and suggests measures for enhancing the effective rights in land that are presently enjoyed by the women of the state.

The research study was carried out by the Tripura Commission for Women and was sponsored by the National Commission for Women, New Delhi. The research team for conducting the study comprised the Project Director, Dr. Malabika Das Gupta, Retired Professor, Department of Analytical and Applied Economics, Tripura University, Agartala, Dr. Nandini Bhattacharyya Panda, Research Officer, and Shri Manna Saha, Field Investigator. Shri Saha handled the field work for the study with the help of local field assistants. Data collection for the project started in mid-November, 2005, was held up for two months due to the Nagar Panchayat elections in the towns of Tripura and the Village Council elections in the Tripura Tribal Areas Autonomous District Council area and was finally completed in the first week of April, 2006. Data were collected for the sample households selected for field study mainly for the financial year 2005-2006.

The study could not have been completed without the infrastructural and logistic support provided by the Tripura Commission for Women and the whole-hearted help and cooperation of the ex-Chairperson of the Tripura Commission for Women, Ms. Champa Das Gupta and its present Chairperson, Dr. Tapati Chakraborti, at every stage of the work.

## **Chapter 1**

### **Introduction**

#### **Introductory remarks**

Land rights are defined as legally and socially recognized entitlements to land that are enforceable by a legitimised external authority that could be a village level institution or some high level judicial or executive body of the state.

Rights in land can be in the form of ownership or usufructuary rights associated with different degrees of freedom to lease out, mortgage, bequeath and sell land. Ownership or usufructuary rights combined with the right to exercise control over land constitute effective rights in land.

This monograph examines the land rights of women in Tripura, one of the constituent states of North-east India, and discusses the policies that can be adopted to enhance the land rights of women in the state. It also describes some initiatives that have been taken in the state to improve the situation of women as far as their land rights are concerned.

The present chapter is divided into several sections. Section 1 discusses the importance of giving land rights to women and Section 2 gives a rationale for studying the land rights of women in Tripura. Section 3 describes the methodology adopted for the study and the sample selection procedure for the study. Section 4 gives the chapter outline of the monograph. The lacunae of the study are discussed in Section 5 of the chapter.

#### **Section 1 : Why are land rights important for women?<sup>1</sup>**

It is important for women to enjoy land rights on several counts.

Welfare considerations dictate that women should enjoy land rights. The right to homestead land is important for women as it is a guarantee against homelessness and destitution. As land-dependent livelihoods are the chief source of earning a living among rural households, the right to arable land is important for rural households in general and for rural women in particular. It is the single most important source of security against poverty and destitution for poor rural women. For female-headed households with no adult male support, the link between their access to land and the physical well being of the households is obvious. Even women from rich peasant households can become economically vulnerable in the absence of land rights in case of divorce, desertion, separation or widowhood. Kitchen gardens on homestead plots or land used for urban agriculture can help urban women who enjoy such land rights in supplementing their household incomes and consumption.

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<sup>1</sup> This section of the paper relies heavily on Bina Agarwal, A Field of One's Own: Gender and Land Rights in South Asia, New Delhi: Cambridge University Press, 1996, Chapter 1.

Land rights for women are also important from the point of view of efficiency considerations. There are many *de facto* women heads of households like the wives of long-term male out-migrants from rural areas who do not have ownership rights over the land they cultivate. There are also widows cultivating plots given to them out of joint family estates as part of their inheritance claims to their deceased husbands' lands who do not have titles to the land they cultivate. Many tribal women become landless when lands are allotted to tribal families that used to cultivate communal lands. As the allotment deeds are usually made out in the names of the adult males in the households, tribal women who cultivated communal lands along with their men folk rarely become allottees. Giving land rights to these categories of women is important for ensuring that they have access to credit and other facilities that can increase the productivity of the lands they cultivate. Land titles can make it easier for women to adopt improved technology and enhance their motivation to do so, thereby increasing the productivity of the land they cultivate.

Then, there is the equality argument in favour of giving land rights to women. The fundamental tenet of this argument is that from the point of view of ensuring equality between the sexes, men and women should both enjoy land rights.

Lastly, rights over land are an important determinant of social status and political power and granting land rights to women is an important means of empowering them.

## **Section 2 : A rationale for studying the land rights of women in Tripura**

This monograph deals with the land rights of women in Tripura because till now, no researcher has done any work on the land rights of women the state. This in itself is an important reason for taking up this study.

It is important to study the land rights of women in Tripura because very little information is available on the land rights of women in the state. The virtual vacuum one encounters when searching for information on the land rights of women in Tripura both in the past and at present provides another justification for taking up the study. Nothing is on record about the actual system of land rights in Tripura till the last part of the nineteenth century and even after that period, only very fragmentary and incomplete information is available on the land rights of women of the state. The brief summary of the existing body of knowledge on the land rights of women in the state makes it crystal clear that it is necessary to fill in the gaps in our knowledge about this important aspect of the rights of women in Tripura.

Sex-specific data on land ownership are virtually non-existent in Tripura. Some documentary evidence exists to prove that women belonging to the tribal royal family of the state enjoyed ownership rights in land in the past. The Maharaja of Tripura is known to have granted *taluks* to women of royal descent. Tripura princesses were also given land as a gift when they got married. According to a local scholar, Ramaprasad Datta, Maharaja Radha Kishore Manikya's wife, queen Tulsibati, received Ranirbazar as a gift at the time of her marriage (personal communication to the Chairperson, Tripura State Commission for Women dated 2.3.2006). It is on record that Maharaja Birendra Kishore

Manikya gifted some *khas* land to his daughter Madhumalati Debi on the occasion of her marriage. In delimiting the area of the *khas* land that was gifted to her, the *taluks* of two other women, Maharani Prabhabati Mahadebi and Shrimati Anuprabha Debi were mentioned (Datta and Bandopadhyay 1976: 47). This indicates that at least some women belonging to the royal family enjoyed land rights in Tripura in the past. There is some additional evidence to prove that women belonging to the royal family enjoyed effective land rights in princely Tripura as they had the right to dispose of their lands. A copper plate from Maharaja Bijoy Kishore Manikya's days states that a lady named Puniyabati, the wife of the King's uncle, Daitya Narayan, donated land to a learned Brahmin named Banamali Acharya. According to the copper plate, Puniyabati donated three villages to the Brahmin in her own name and did not have to seek the Maharaja's permission to gift the land to him (Bhattacharyya (ed.) 1968: 50-51). The available evidence thus indicates that women in the upper echelons of society enjoyed land rights in Tripura in the past and could both own and dispose of their land as they wished. It is doubtful if the same right was extended to commoners or to non-tribal women in Tripura in the past though it is known that tribal women along with their husbands enjoyed user rights over the land on which the family practised *jhuming*. There is some stray evidence to prove that non-tribal commoners belonging to the fair sex had occasionally become owners of land in Tripura in more recent times. It is on record that after the Partition, the Government of Tripura had allotted homestead land in 250 Colony to 250 widowed refugee women who had crossed over into the state from erstwhile East Pakistan but a composite picture on the land rights of women in Tripura either at present or in the past does not emerge from the available data. To give a concrete example, though in recent years, the government has started allotting lands jointly to both the husband and the wife in Tripura, data are not available in the state either on the number of cases where the state has allotted land to both spouses and issued joint *pattas* in their names or on the amount of land allotted by the state to both spouses on the basis of joint *pattas*. The data gap on the land rights of women in Tripura clearly establishes the need for addressing the question.

It has become important to study the land rights of women in Tripura because though there are no hard data to prove it, there are instances of women losing their land rights in the state in the recent past. It is widely believed that when the government allotted lands in the plains of the state to tribals to wean them away from shifting cultivation and encourage them to take up settled cultivation, *pattas* were issued in the names of the men of the household and tribal women were denied land rights even though under the *jhum* system, they enjoyed user rights over land like their male counterparts and played a prominent role in cultivating the land, exercising control over it and making decisions regarding the crops to be sown and the use of the produce from the land. Women are supposed to have lost their land rights in Tripura due to border fencing, extremist activities and developmental activities undertaken in the state but hard data are not available from secondary sources on the extent to which the women of Tripura have lost their land rights as a result of these developments. A study on the land rights of women in Tripura is necessary because it will throw new light on these problems.

Besides, an analysis of the land rights enjoyed by the women of the state has become imperative because the available data seem to indicate that the issue of the land rights of

women has become a contentious one in the state probably due to the heightened awareness of the women of Tripura regarding their land rights. In a communication addressed to the Chairperson of the Tripura State Commission for Women dated 3.3.2006, the Law Department had provided information obtained from the Agartala Bench of the Guwahati High Court on the number of cases pertaining to the land rights of women that were filed in the law courts of the South and North districts of Tripura between 2002 and 2005, the number of these cases that had been disposed of and the number of cases that were pending in the law courts till February 2006 in these two districts. According to the communication received from the Law Department, 89 cases involving disputes relating to the land rights of women were filed in different courts in North Tripura district between 2002 and 2005. 55 of these cases had been disposed of and 34 cases were still pending in different courts till February 2006. 212 cases involving the land rights of women were filed in different courts in South Tripura district between 2002 and 2005. Out of these, 138 cases had been disposed of and 74 cases were still pending in February 2006.

So, it is amply clear that the question of land rights of the women of Tripura deserves the attention of researchers urgently not only because the present state of knowledge on the land rights of women in Tripura leaves a lot to be desired but also because women are losing their land rights in the state and have become conscious of their land rights.

### **Section 3: Methodology adopted and sample selection procedure for the study**

In view of the paucity and unreliability of secondary data, the study on the land rights of women in Tripura had to be based on field study. It was decided to confine the field study to two of the four districts of Tripura, namely West Tripura and Dhalai. The time bound nature of the project sponsored by the National Commission for Women did not allow the researchers to extend the study to all the four districts of the state.<sup>2</sup> West Tripura was chosen because it is the most advanced district of Tripura and Dhalai was selected because it is the newest, and the most backward district of the state. It has a large tribal population and is extremist-ridden. Dhalai district was chosen because it was felt that both these factors have an important bearing on the land rights of women.

Interactive sessions were held with women in Dhalai and West Tripura district prior to taking up the study to get some preliminary idea about the land rights of women in the state. Meetings were held with women activists, lawyers, women from different communities and different walks of life, journalists, academics interested in women's issues, members of NGOs working among women, political leaders, state government and the Tripura Tribal Areas Autonomous District Council (TTAADC) officials and *panchayat* members to identify the issues involved. On the basis of these discussions, the areas where the field study was to be conducted were selected in such a way that rural and urban areas inhabited by households belonging to different communities and different socio-economic strata in both TTAADC and non-TTAADC areas would be covered.

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<sup>2</sup> The study had to be completed within four months.

The areas that were selected for study in Dhalai District were the three villages of Ghantacherra, Ganganagar and Purba Nalicherra that are inhabited by tribals, Muslims and Hindus respectively. Ghantacherra is situated in the TTAADC area and a part of this village falls within the Atharamura Reserve Forest. To study the land rights of women in an urban scenario in Dhalai district, Kamalpur, the only statutory town in the district, was selected<sup>3</sup>. For studying the land rights of women in urban areas in West Tripura district, Agartala city was selected. It was decided to choose West Noabadi village in West Tripura district for the field study in a rural area in this district as tribals, Muslims and Hindus were found to be living in compact blocks in this village. For studying the impact of extremism on the land rights of women, data were available from West Noabadi and Ghantacherra but for studying the impact of border fencing and development activities on the land rights of women in Tripura, separate field studies had to be conducted in some additional areas. To study the impact of border fencing on the land rights of women, field survey was done in Jaypur and South Ramnagar, two border-adjointing localities of Agartala. The impact of development activities on the land rights of women in Tripura was studied by interviewing a few households in Nagicherra village and in Uttar Champamura *gaon panchayat* in West Tripura district. Some special initiatives have been taken in Tripura to augment the land rights of people in general and women in particular in view of the fact that land is in very short supply in the state. Case studies were done to examine the effectiveness of two such initiatives in enhancing the land rights of women. Yapri Kotal, a self help group of women in West Noabadi village in West Tripura district and Jeolcherra Regrouping Village in Dhalai district where extremist affected jhumias have been rehabilitated on forest lands were studied with this end in view.

The households that were interviewed for the study were selected with the help of *panchayat* members, municipal councillors and *nagar panchayat* members of the areas selected for the field study and important people of the locality. The criteria for household selection were such that rich, middle income and poor households, male and female-headed households and landed and landless households would be included in the sample. From each of the selected areas only a few households were interviewed because the selected households were typical examples of similarly placed households in the selected area and increasing the number of sample households would not contribute significantly to the understanding about the land rights of women among households of that particular kind.

Table 1 gives the socio-economic characteristics of the 76 households that were interviewed in the selected areas where the field survey was conducted to study the land rights of women. The table classifies the sample households included in the study according to the District, Block, type of area (rural or urban) and the specific village, town or city to which they belonged. The table also classifies the sample households into

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<sup>3</sup> There are two other census towns in Dhalai district according to the 2001 Census. They are Kanchanpur and Ambassa.

Muslim, Hindu and tribal households. The sample households are also classified in the table on the basis of their per capita annual income into upper income and poor families. Households earning a per capita annual income of up to Rs.6000 during the financial year 2005-06 were defined as poor households while sample households with an annual per capita income exceeding Rs.6000 during the same time period were taken to belong to the upper income group. The sample households are also classified in the Table

Table 1  
Particulars of sample households

District	Block	Sample area	Type of sample area	No. of sample households	Community to which sample households belong	No. of sample households in the community	Income category of households		Sex of head of the household		No. of households that	
							Poor	Upper income	Male	Female	Own land	Do not own land
West	Jirania	West Noabadi	Rrural	30	Muslim	10	7	3	9	1	10	0
					Tribal	10	5	5	8	2	10	0
					Hindu	10	6	4	9	1	9	1
		Agartala	Urban	12	Muslim	4	0	4	4	0	4	0
					Tribal	4	2	2	2	2	4	0
					Hindu	4	0	4	3	1	4	0
Dhalai	Salema	Ganganagar	Rural	10	Muslim	10	7	3	9	1	10	0
	Ambassa	Ghantacherra	Rural	10	Tribal	10	7	3	8	2	5	5
	Ambassa	Purba Nalicherra	Rural	9	Hindu	9	1	8	6	3	9	0
		Kamalpur	Urban	5	Muslim	1	0	1	1	0	1	0
					Tribal	1	0	1	1	0	1	0
				Hindu	3	0	3	2	1	3	0	
Total				76		76	35	41	62	14	70	6

Source: field survey

according to the sex of the head of the household. Table 1 shows that 6 out of the 76 sample households were landless. One of the landless households in the sample was a Bengali victim of extremism from Mandai village whose house was burnt down by tribal extremists in the ethnic riot of 1980. He escaped from Mandai with his family and took shelter in the house of a relative in West Noabadi village. He was later allowed to build a hut on his relative's land. The other 5 landless households were tribal households living in the reserve forest area of Ghantacherra village where land ownership was not allowed according to the terms and conditions of the Forest Conservation Act. However, these tribal households enjoyed some usufructuary rights over the forest land.

A schedule was framed for conducting the interviews and a pilot study was undertaken to test the schedule. The field study was conducted in the first three months of 2006. Data on various socio-economic variables pertaining to the financial year 2005-06 or to the date on which the household was interviewed, depending on the type of information sought, were collected for each of the sample households. The households were

interviewed by a Field Investigator with the help of local investigators who were given prior training in canvassing the schedule. The team of investigators made it a point to interview the women of the sample households and a woman was always included in the teams interviewing the sample households to ensure that the women who were interviewed felt less inhibited about giving information on the land rights enjoyed by them.

The interim findings of the study were presented before an audience comprising experts and people familiar with various aspects of the question of land rights of women in Tripura at Agartala in March 2006 to obtain some feedback from them. This interactive meeting played a very important role in making the study more comprehensive.

#### **Section 4 : Chapter outline of the study**

In addition to the introductory chapter, the study contains two more chapters. Chapter 2 gives the findings of the study based on field work in selected towns and villages located in Dhalai and West Tripura district. The chapter also deals with the impact of border fencing, extremism and development activities on the land rights of women. Chapter 3, the final chapter of the study, deals with the ways and means of enhancing the land rights of women in Tripura. It also assesses some initiatives taken in the state to enhance the rights of women over land.

#### **Section 5 : Some lacunae of the study**

There are some serious lacunae in the study. As has been mentioned earlier in the chapter, it was not possible to cover all the four districts of the state because of the time limit within which the study had to be completed. The funds sanctioned for the study were also not adequate to widen the scope of the study. If North and South Tripura districts had also been included in the study, a more comprehensive picture of the land rights of women of the state would have emerged from it. A larger sample drawn from more urban and rural areas of the state would also have placed the findings of the study on a firmer footing.

Command over the output and income arising out of the ownership of land is a very important component of effective land rights. Though there were questions in the schedule on this aspect of land rights, answers were forthcoming from very few sample households regarding this question. So, the study had to remain silent on the question of the command that women in the state have over the income or output generated by the land owned by them. It was also not possible to make a comparative study of the amount of land owned by the two sexes in the sample households as reliable data could not be collected on the amount of land owned by men and women in the sample households. These questions will have to be looked into by researchers who follow up this maiden attempt to study the land rights of women in Tripura.

**Chapter 2**  
**The present day scenario regarding the land rights of women in Tripura**

**Introduction**

Chapter 2 gives the findings of the study on the land rights of women in Tripura that have been derived from the field survey. The chapter comprises three sections. Section 1 of the chapter deals with the sample households in which women own land and the ownership rights of women in the sample households. Section 2 of the chapter deals with the user rights enjoyed by the women in the sample households and Section 3 deals with the impact of development activities, extremism and border fencing on the land rights of women in Tripura.

**Section 1: Ownership rights in land of women in the sample households**

Table 1 shows that although all the 76 households in the sample had female members, women owned land in only 31 households that comprised 40.79 percent of the 76 sample households included in the study. Women did not own any land in 45 of the sample households. Thus, in 59.21 percent of the sample households, women were landless and did not enjoy ownership rights in land. It may be noted that while only 35.50 percent of the households that had women members who owned land were poor, poor households constituted 53.33 percent of the households where none of the women owned land.

Table 2  
Sample households with women members and their distribution according to the ownership of land of the households

Sample area	No. of sample households with		
	Women members	Women members who own land	Women members who do not own land
Kamalpur	5	2	3
Agartala	12	7	5
West Noabadi	30	9	21
Ganganagar	10	6	4
Purba Nalicherra	9	4	5
Ghantacherra	10	3	7
Total	76	31	45
% of total sample households with women members	100.00	40.79	59.21

Source: field survey

Table 3 shows that altogether, there were 42 women who owned land in the 31 households in the sample in which women owned land. Table 3 shows some of the characteristics of the land owning women or the households they come from that emerge from the field survey. The table shows that most of the land owning women in the sample came from families that had a relatively high socio-economic status. Only 13 or 30.95 percent of the 42 women who owned land came from poor families, the remaining 29 women in the sample households who constituted 69.05 percent of the women owning land belonged to upper income households. Most of the land owning women were educated. While 10 of the women owning land were illiterate and 4 were literate, 28 of them had education ranging from Class 1 to the college graduation level. 23 of the land owning women were married, 16 were widows and 1 was a deserted woman.

Table 3  
Number and characteristics of the women who own land

Sample area	No. of women who own land	Community to which the women who own land belong			Status of women who own land							
		Hindu	Muslim	Tribal	Educational			Marital			Economic	
					Ill	Lit	Edu	Marr	Wid	Des	Poor	Upper income
Kamalpur	2	2	0	0	0	0	2	1	1	0	0	2
Agartala	10	1	7	2	0	0	10	7	3	0	2	8
West Noabadi	10	2	4	4	5	3	2	5	5	0	4	6
Ganganagar	10	0	10	0	3	0	7	8	2	0	6	4
Purba Nalicherra	6	6	0	0	0	0	6	1	4	1	0	6
Ghantacherra	4	0	0	4	2	1	1	3	1	0	1	3
Total	42	11	21	10	10	4	28	25	16	1	13	29
% of the no. of women who own land	100.00	26.19	50.00	23.81	23.81	9.52	66.67	59.52	38.10	2.38	30.95	69.05

Source: field survey

Abbreviations: Ill = illiterate, Lit = literate, Edu = educated, Marr = married, Wid = widow, Des = deserted.

Table 3 shows that out of the 42 women who owned land in the sample households, 11 were Hindus, 21 were Muslims and 10 were tribal women belonging to different faiths, comprising 26.19, 50.00 and 23.81 percent respectively of the 42 land owning women. So, Muslim women constituted the largest percentage of land owning women in the sample households. This finding requires some explanation as it goes against the conventional wisdom that Muslim women are at a disadvantage compared to their counterparts belonging to other communities as far as their land rights are concerned because of their socio-economic backwardness and the unequal inheritance rights enjoyed by them. It seems that the largest percentage of women land owners in the sample were Muslims because 18 married Muslim women and 2 Muslim widows out of the 21 Muslim women who owned land in the sample got *den mohar* in the form of land as a part of their marriage contract. Land was inherited by them from their fathers-in-law or purchased in their names at the time of their marriage as a part of the marriage contract. The prevalence of the custom of paying *den mohar* to the bride in the form of landed property is understandable in Ganganagar where a social activist belonging to the CPI(M) has been waging a long battle for improving the lot of the women living in this Muslim village. However, even in West Noabadi village and Agartala, the Muslim women who were interviewed had become owners of land by getting land as their *den mohar* at the time of marriage. According to the activists working among Muslim women in Tripura, the prevalence of this custom has helped Muslim women in acquiring ownership rights in land throughout the state. The percentage of Hindu women among the land owning women in the sample households was lower than that of the Muslim women because unlike their Muslim counterparts, Hindu brides do not get land from their husbands' families at the time of marriage. This should not have made the Hindu women worse off than their Muslim sisters as far as their land rights are concerned because the former are supposed to enjoy equal rights with their brothers to parental property by law but in actual practice, this was not the case. Tribal women were the least well endowed among the three groups of women in the sample as far as their land rights were concerned. This is partly due to the fact that by and large, tribal women were not conferred land rights by the government when plain lands were granted to tribals to wean them away from shifting

cultivation and also because the customary rights of tribals in Tripura relating to inheriting land are heavily biased against women. More will be said about the rights of women in inheriting land that emerge from the study when the land rights of women will be compared with those of men later in this section of the chapter.

Turning next to the particulars regarding land ownership by women who own land, Table 4 shows that 26 out of the 42 land owning women owned homestead land, 10 owned agricultural land, 2 owned tilla land and 4 owned water bodies. So, homestead land was owned by 61.90 percent of the female landowners and productive or potentially productive lands like agricultural land, tilla land that can be used for forestry or plantations and water bodies that can be used for fisheries were owned by 38.09 percent of the women owning land. 12 or 28.57 percent of the land owning women owned land jointly with men and 30 or 71.42 percent of the land owning women owned land singly. 7 of the land-owning women who owned land jointly were joint owners with their husbands and 5 owned land jointly with their sons. 24 out of the 42 women who owned land had acquired land through inheritance, 17 had purchased land or had lands purchased for them. Only 1 woman had been allotted land jointly with her spouse by the government, indicating that joint *pattas* have not been an important instrument for conferring ownership rights in land on women among the women who owned land in the sample.<sup>4</sup> Though many women in the sample said they came from poor landless families so that the question of inheriting land had not arisen for them, inheritance was by far the most important means through which the land owning women belonging to the sample households had acquired ownership rights over land. Out of the 24 women acquiring land through inheritance 13 had inherited land from their deceased husbands, 8 had inherited land from their deceased fathers-in-law and only 3 women had inherited their land from their deceased fathers. In some cases, though the women had inherited land, the land had not been transferred legally in their names. In the case of one woman who had inherited land from her father-in law, the land was still in the deceased father-in-law's name and in 2 cases the land was still registered in the name of their deceased husbands so that their rights to land were not legally recognised.

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<sup>4</sup> A comparatively recent addition to the legal ramifications for ensuring land rights for women in Tripura is found in the issue of joint allotment of land by the government to both spouses. Before this, there was no legislation in Tripura to ensure land rights specifically of the women of the state. Following from a memorandum to the Chief Secretaries of all states including that of the Government of Tripura dated July 1981, the Government of Tripura has taken the decision to confer title of allotted land to both husband and wife jointly. In a memorandum issued by the Government of Tripura in December 1997, it has been declared that land will be allotted jointly to the husband and the wife provided one spouse can produce a bona fide citizenship certificate. This provision was incorporated in the Tripura Land Revenue and Land Reforms (Allotment of Land) (seventh Amendment) Rules, 2004. Of late, in order to be eligible to receive joint allotment of land from the government, both spouses have to produce residence certificates issued by the Government of Tripura to prove that they are bona fide residents of the state.

Table 4  
Particulars regarding land ownership of women who own land

Sample area	No. of women who own land	No. of women who own land classified by								
		Type of land owned				Nature of land ownership		Land ownership acquired through		
		Home	Agri	Tilla	Water	Owned singly	Owned jointly with men	Inherit	Purch	Allot
Kamalpur	2	2	0	0	0	2	0	0	2	0
Agartala	10	7	2	1	0	6	4	10	0	0
West Noabadi	10	9	1	0	0	6	4	6	3	1
Ganganagar	10	4	3	0	3	9	1	2	8	0
Purba Nalicherra	6	3	2	0	1	4	2	6	0	0
Ghantacherra	4	1	2	1	0	3	1	0	4	0
Total	42	26	10	2	4	30	12	24	17	1
% of total number of cases of land ownership by women	100.00	61.90	23.81	4.76	9.52	71.43	28.57	57.14	40.48	2.38

Source: field survey

Abbreviations: Home = homestead land, Agri = agricultural land, Tilla = tilla land, Water = water bodies, Inherit = inheritance, Purch = purchase, Allot = allotment by government

Effective land rights include the right to use, control and make decisions regarding the land owned. The findings regarding effective land rights among the land owning women in the sample households indicate that the right to use, exercise control over and make decisions regarding the land owned was not a necessary concomitant of land ownership among the women belonging to the sample households who owned land. Table 5 shows that though there were 42 women in the selected areas who owned different types of land, only 6 of them used their land themselves. Land owned by women was used by all family members in 33 cases and in 2 cases, land owned by females was used exclusively by males. Both these cases occurred in Ganganagar where Muslim families were involved. Agricultural land and water bodies were owned by women in these two cases and since Muslim women have a tradition of not working outside their homes, land owned by women was used by the males of their households. Only in 5 cases where women owned land were decisions with regard to the land they owned taken exclusively by women – in 3 cases by the women owners singly, in one case by the woman owner and her daughter and in another by the woman who owned the land and her widowed daughter-in-law. It may be noted that the 5 women who took decisions with regard to the land owned by them on their own or with other women belonging to their families were a deserted woman and 4 widows. The remaining 37 women who owned land took decisions regarding the land they owned jointly with the men belonging to their families. The married women whose husbands were alive took decisions with regard to the land they owned with their husbands and the widows took joint decisions regarding the land they owned with their sons.

Table 5  
Users of land and decision makers regarding the land owned by women

Sample area	No. of women who own land	Users of the land owned by women			Decision makers regarding the land owned by women	
		The women themselves	Men	The women jointly with men	The women themselves	The women jointly with men
Kamalpur	2	1	0	1	0	2
Agartala	10	0	0	10	1	9
West Noabadi	10	1	0	9	1	9
Ganganagar	10	0	2	8	0	10
Purba Nalicherra	6	3	0	3	1	5
Ghantacherra	4	2	0	2	2	2
Total	42	7	2	33	5	37
% of total number women who own land	100.00	16.67	4.76	78.57	11.90	88.10

Source: field survey

#### Comparison of the ownership rights of men and women in the sample households

One way of examining how much land rights women enjoy is to compare their rights in land with those of men. This exercise was undertaken by taking stock of the ownership rights in land of the men in the 76 sample households. A comparison of the the land rights enjoyed by the two sexes in the sample households and between the men and women who own land in the sample households was made by contrasting the findings pertaining to women who own land that are reported in Tables 2 to 5 with the findings pertaining to their male counterparts reported in Tables 6 to 8.

Comparing Tables 2 and 6 gives an idea about the number of sample households in which men and women owned land. As shown in Table 2, there were 31 households in the sample in which women owned land. As shown in Table 6, the number of households in the sample where men owned land was much larger. Table 3 shows that out of the 76 sample households that had male members, men owned land in 52 households. So, while 40.79 of the 76 sample households had women land owners who owned land, the corresponding percentage for men was 68.42. Comparing the figures in Table 3 with those in Table 6 showed that while there were only 42 women who owned land in the sample households there were 74 males in the sample households who owned land. So, a larger number of men than women owned land in the sample households. While the largest percentage of women who owned land comprised Muslim women as they got *den mohar* in the form of land from their in-laws when they got married, in the case of men who owned land, the cards were not stacked in favour of Muslim men. The largest percentage of men who owned land belonged to Hindu families, followed predictably by men belonging to Muslim and tribal families.

Table 6  
Sample households with male members and male members who own land and characteristics of the men who own land

Sample area	No. of households with		No. of men who own land	Community to which the men who own land belong			Status of the men who own land				
	Male members	Male members who own land		Hindu	Muslim	Tribal	Educational			Economic	
							Ill	Lit	Edu	Poor	Upper income
Kamalpur	5	4	4	2	1	1	0	0	4	0	4
Agartala	12	7	10	3	5	2	0	0	10	0	10
West Noabadi	30	23	30	14	6	10	3	5	22	15	15
Ganganagar	10	7	14	0	14	0	0	6	8	8	6
Purba Nalicherra	9	7	10	10	0	0	0	1	9	1	9
Ghantacherra	10	4	6	0	0	6	0	5	1	5	1
Total	76	52	74	29	26	19	3	17	54	29	45
Percentage	100.00	68.42	100.00	39.19	35.14	25.68	4.05	22.97	72.97	39.19	60.81

Source: field survey

Abbreviations : Ill = illiterate, Lit = literate, Edu = educated.

Comparing Tables 3 and 6 it can be seen that land ownership was more widely dispersed among men. While only 30.95 percent of the women who owned land were from poor families, 39.19 percent of the male land owners in the sample households belonged to that income group. So, poverty was more of an impediment for acquiring land rights among women than among men. The percentage of illiterates among the women who owned land which stood at 23.81 far exceeded the corresponding percentage among the men who owned land which was only 4.05.

Table 4 shows that among the women owning land, 71.43 percent owned land singly. Table 7 shows that the corresponding percentage among males who owned land was 83.78 showing that a larger percentage of land-owning men as compared to land owning women owned land singly.

A comparison of Tables 4 and 7 shows that 57.14 percent of the women belonging to the sample households who owned land had acquired the land they owned through inheritance and 40.48 percent of them had acquired the land they owned through purchase. Only one land owning woman or 2.38 percent of the 42 women owning land had acquired land through joint allotment with her husband. None of the women who owned land had been allotted land by the government singly. Among the 74 males who owned land in the sample, 67.56 percent had acquired it through inheritance, 28.37 percent through purchase and 4.05 percent through government allotment. Out of the 3 men who were allotted land by the government, 1 was allotted land with his wife and unlike the women who were allotted land by the government, 2 were allotted land singly.

On a percentage wise basis, the land ownership of a larger percentage of land owning men as compared to land owning women was through inheritance. This indicates that a smaller percentage of women get a share of parental land by way of inheritance. The field

survey indicated that men and women do not inherit an equal share of parental land in Tripura. Muslim law denies equal inheritance to women and tribal customary laws relating to inheritance discriminate against women. Tribal women do not usually acquire land rights through inheritance because tribal customary laws relating to inheritance are mainly patriarchal with limited rights for women. Among the Kolois, Malsums and Halams who live in Ghantacherra, women get a third of the deceased father's property and among the Tripuris, the women do not get any share in the deceased father's landed property. Even though Hindu women are supposed to inherit an equal share of the parental property by law, this is seldom the case in actual practice. The deserted woman in the sample had inherited a small portion of her deceased father's land. Her brother was enjoying the major portion of her deceased father's property.<sup>5</sup>

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<sup>5</sup> Women belonging to different communities are guided by their own laws in Tripura. The Hindu women of the state are guided by the Hindu Succession Act, 1956 and its amendments. According to this Act, a Hindu woman is entitled to an equal share in parental property and also in her husband's property. Apart from this, Hindu women are entitled to a special category of property called *Stridhana*. Women enjoy unlimited rights of sale, gift and transfer over such property, both moveable and immoveable.

The Shariat or Muslim religious law derives from the Koran, the sunna (practices of the Prophet), ijma (concensus of opinion among the learned of the community) and quiyas (analogical deduction). There are two principal schools of Islamic law prevalent in India- the Hanafi School for the Sunni Muslims and the Ashari Shiite School for Shia Muslims. The majority of the muslims of India belong to the Sunni sect. Broadly, under Hanafi law, heirs are divided into three major categories- agnatic heirs who are almost all male, Koranic heirs who are mostly female and 'distant kindred' who include blood relations who are neither agnatic nor Koranic heirs. The 'distant kindred' tend to be either women or connected to the deceased through a female link, e.g., daughter's children, son's daughter's children, maternal uncles and their children and so on. In terms of the shares allotted, the implicit rule is to keep the bulk of the property for the male agnatic heirs and give specific shares to the persons mentioned in the Koran. In specific terms, the share of particular heirs under the Hanafi School are as follows: a daughter who is an only child receives a half share of the deceased parents' estate as a Koranic portion and is excluded by no other heir. If there are two or more daughters and no sons, they jointly get a two thirds share which is divided equally among them. However, the presence of a son who is an agnatic heir converts the daughter's right from that of a Koranic heir to an agnatic co-sharer which means that she gets half of what the son gets. Sons and daughters are excluded by no other heirs. Similarly, a husband and wife as Koranic heirs are excluded by none. The husband receives a quarter share of his deceased wife's property if there is a child or a son's descendants and a half share if there are no such heirs. A widow likewise receives one-eighth or one-fourth share of the husband's estate, depending on whether or not there is a child or son's descendants. If there is more than one widow, their collective share is one-eighth or one-fourth as the case may be, shared equally among them. Full sisters and consanguine sisters also share as Koranic heirs but can get excluded by male agnatic descendants and ascendants, as can uterine sisters under specific circumstances. The mother gets a basic Koranic share of one-sixth, as does the father.

In general, all schools of Islamic law recognize Muslim women's right to inheritance of immoveable property although unequal to those of men. In practice, considerable historical divergence exists between the scriptural texts and the local customs. In the Shariat Muslim Personal Law (Shariat) Application Act, 1937, prevailing customs or usage were abrogated in favour of the Muslim Personal Law but the Act explicitly excluded agricultural land from its purview, the devolution of which continues to be governed by local customs. In this context, the custom of paying bridal money (*Denmohar*) among the Muslims must be mentioned. This practice is followed among all the sects and sub-sects of the Muslim community. The bridegroom is liable to pay a security money to the bride at the time of marriage in case the marriage breaks up. This sum may be paid in the form of land or immoveable property or cash but it is often reduced to the form of a token in the marriage rituals. However, it is still a very important source of property and security for women, particularly in the context of the polygamous practices within the community.

The field survey showed that women, irrespective of the community they belong to, are sometimes cut off from their inheritance and sometimes they themselves give up their claim to land voluntarily. Parental property was not claimed as inheritance in a number of cases and claims to parental land were voluntarily given up in the interest of family peace and in order to keep land within patrilineal control. One woman in the sample said that both she and her sisters who were well off had voluntarily foregone their share of their father's land in favour of their brothers who were financially insecure. In one of the sample families, the wife of the head of the household had voluntarily given up her share of her deceased father's land to her brother because her father was poor and owned so little land that if it had been divided between the brother and the sister, neither of them would have got an economically viable piece of landed property. During the course of the discussions with women from various walks of life when interactive sessions were held with them for the study on the land rights of women in Tripura and also from interviewing the sample households it was learnt that many Hindu women did not claim a share of their parental land because they had been given dowries at the time of their marriage and felt that they had no right to claim a portion of the land that their families owned. A number of women said that they did not claim their share of their family land as they had moved away from their native village after their marriage and using the inherited land in their natal village would have been difficult. Cases of intimidation or domestic violence against women for preventing them from claiming their land rights were not encountered in the sample households but moral pressure was reported to be exerted occasionally on women in the sample households by family members, neighbours and friends and even village level functionaries to give up their right to inherit land. None of the women in the sample had taken recourse to a court of law to establish her land rights. Probably this indicates the lack of consciousness among the women in the sample households regarding their land rights.

A larger percentage of men than women acquired land rights through government allotment. This is so because individual allotment of land was not found among women at all because of the male bias in land allotment to individuals by the government. Lands

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The tribals of Tripura are guided by their own customs and laws relating to property. In Riang society, the surviving spouse and the legitimate children are entitled to equal shares of the property but the son or the daughter who looks after the parents in their old age receive a larger share. Among the Moghs, the widow of a deceased person is entitled to subsistence only. She has no right to sell or transfer property. The property is devolved strictly on male successors. Daughters are not entitled to inherit property. The system of inheritance among the Tripuris is patrilineal. Only sons can inherit property. All sons get equal shares but the daughters and the widow of the deceased do not inherit property. The widow is only entitled to subsistence. Among the Jamatias also, the system of inheritance is patrilineal. Daughters do not inherit their father's property if the deceased has sons. The widow does not inherit property but has the right to subsistence without the right to alienate property. The customary laws of four tribal communities – the Riangs, the Jamatias, the Moghs and the Tripuris including the customary laws relating to inheritance of land are in the process of being codified under the auspices of the Law Research Institute of the Guwahati High Court but the work is not yet complete.

are usually not allotted by the government to women individually because of gender bias. This phenomenon was particularly true among tribals. When tribals were given rights to land in a bid to transform them into settled cultivators, the government allotted lands in the names of the men of the household, depriving tribal women of land rights even though they played a very vital role in shifting cultivation. Women did not acquire land rights through land allotment by the government also because the system of giving joint *pattas* to both the spouses has not been very much in vogue in the areas where the study was undertaken so that not too many women have acquired land rights through government allotment. Women in general cannot easily purchase land as they do not have access to resources or the ability to acquire land by negotiating the sale unless someone else does it on their behalf for them.

Table 7  
Particulars regarding land ownership of men who own land

Sample area	No. of men who own land	No. of men who own land classified by								
		Type of land owned				Nature of land ownership		Land ownership acquired through		
		Home	Agri	Tilla	Water	Singly owned	Owned jointly with women	Inherit	Purch	Allot
Kamalpur	4	3	0	1	0	4	0	1	3	0
Agartala	10	7	2	1	0	6	4	6	4	0
West Noabadi	30	23	3	3	1	26	4	21	6	3
Ganganagar	14	7	3	0	4	13	1	13	1	0
Purba Nalicherra	10	7	2	1	0	8	2	5	5	0
Ghantacherra	6	4	2	0	0	5	1	4	2	0
Total	74	51	12	6	5	62	12	50	21	3
Percentage of men who own land	100.00	68.92	16.22	8.11	6.76	83.78	16.22	67.57	28.38	4.05

Source: field survey

Abbreviations: Home = homestead land, Agri = agricultural land, Water = water body, Inherit = inheritance, Purch = purchase, Allot = allotment

Regarding the effective rights over land enjoyed by men and women, the data relating to the sample households summarized in Tables 5 and 8 were as follows:

Among the women who owned land, 14.29 of the women used the land they owned by themselves, 4.76 percent of the women did not use the land they owned and men used their land. In the case of the remaining 80.95 percent of the women who owned land, men and women jointly used the land owned by women. In the case of the 74 where men who owned land, the situation was different. 2.70 percent of these men used the land they owned by themselves and 97.30 percent of the men who owned land used their land jointly with the women of their households.

In the case of decisions made with regard to land owned, for land owned by women, decisions regarding land were made by the women themselves by 11.90 percent of the women who owned land. In the case of 88.10 percent of the women who owned land, decisions regarding the land owned were made jointly by men and women. In the case of the 74 men who owned land, 1.35 percent of the men who owned land made decisions regarding the land by them by themselves. The remaining 98.65 percent of the men who

owned land made decisions regarding land owned by them jointly with the women belonging to their households. It must however be stated that the degree to which women were associated with the decision-making process with regard to land owned by men was not examined in the study.

Table 8  
Users of the land owned by men and decision makers regarding the land owned by men

Sample area	No. of men who own land	Users of the land owned by the men		Decision makers regarding the land owned by the men	
		The men themselves	The men jointly with women	The men themselves	The men jointly with women
Kamalpur	4	0	4	1	3
Agartala	10	0	10	0	10
West Noabadi	30	0	30	0	30
Ganganagar	14	1	13	0	14
Purba Nalicherra	10	1	9	0	10
Ghantacherra	6	0	6	0	6
Total	74	2	72	1	73
% of number of men who own land	100.00	2.70	97.30	1.35	98.65

Source: field survey

Men could exercise user rights over land owned by women or exclude women from the use of land or decision making powers over lands owned by men by virtue of the fact that they were more educated than women and because patriarchy still holds sway in Tripura and it is customary for men to use and make decisions regarding land despite the so called 'progressive' nature of the state.

## **Section 2 : Usufructuary rights in land of women in the sample households**

The study revealed that the Forest Conservation Act that was in force in Tripura as in the rest of the country when the study on the land rights of women in Tripura was undertaken stood in the way of the enjoyment of usufructuary rights of women in forest lands.

It may be recalled that a part of Ghantacherra, one of the villages where fieldwork for the study on the land rights of women in Tripura was conducted, falls within the Atharamura Reserve Forest area. There were 7 tribal families in the sample that lived within the Reserved Forest area falling within Ghantacherra village. According to the terms and conditions laid down in the Forest Conservation Act, none of these 7 tribal households could own their homestead plots as they were located within the Reserve Forest area. As the Act stood in the way of their getting ownership rights over their homestead land, the women belonging to these households were also deprived of their land rights. The Forest Department also prevented the 3 sample households that had planted teak trees on forest lands from cutting their mature trees and selling the timber under the terms and conditions of this Act. However, it is quite significant that none of the 7 surveyed households living in the Atharamura Reserve Forest area of Ghantacherra village and their women members accused the Forest Department of creating problems for them in

collecting minor forest produce like firewood, sungrass and bamboo or in growing fruits and vegetables for their own consumption inside the forest area. 3 of the sample households living in the forest area could also grow and use the fruits and vegetables they planted in the forest land without any interference from the Forest Department personnel. The Department seemed to be somewhat reluctant to enforce some of the Draconian provisions of the Act because of the pro-tribal stand of the state government so that the user rights of the tribal households and their womenfolk over forestlands were not totally negated. However, at the same time, it is worth noting that none of the sample households or their womenfolk living within the Reserve Forest area practised shifting cultivation in the forest. The user rights of tribal families in general and tribal women in particular over forest lands used for jhuming have been taken away by the Forest Department in this village. The households exercising usufructuary rights over forestlands were poor and in view of their poverty, it is highly unlikely that these households had given up using forest lands for jhuming voluntarily without any coercion from the Forest Department. As women take an active part in jhum cultivation and under normal circumstances, even today, when this agricultural system has ceased to be sustainable and can provide food for a family for about three to four months in a year, the loss in the user rights over forest lands for jhuming must have affected them badly. Extremism posed a grave threat for the land rights of the forest dwelling sample tribal households. The impact of the threat of extremist attacks on the land rights of women in Tripura will be dealt with in Section 3 of this chapter which follows.

### **Section 3 : The impact of development activities, border fencing and extremism on the land rights of women**

It is common knowledge that development activities carried out in a state have an impact on the land rights of women. In Tripura, along with development activities, border fencing and extremism also have had an impact on the land rights of women.

For studying the impact of extremism on the land rights of women, data were available from West Noabadi and Ghantacherra but for studying the impact of border fencing and development activities on the land rights of women in Tripura, separate field studies had to be conducted in some additional areas. To study the impact of border fencing on the land rights of women, field survey was done in Jaypur and South Ramnagar, two border-adjointing localities of Agartala. The impact of development activities on the land rights of women in Tripura was studied by interviewing a few households in Nagicherra village and in Uttar Champamura *gaon panchayat* in West Tripura district.

#### **The impact of extremism on the land rights of women in Tripura: findings from the field survey**

Extremist activities have had an impact on the land rights of the people of Tripura, both tribal and non-tribal. The owners of land are often forced to abandon their land and move to safer areas that are free from extremist depredations. The users of land are not left alone by the extremists either and their user rights over land are also severely curtailed by extremist activities.

West Noabadi village, one of the survey areas for the study, forms a part of the West Noabadi Gaon Panchayat. The records of West Noabadi gaon panchayat showed that in July 2005 there were 77 Bengali families in the gaon panchayat area at that time who had left their homes in surrounding areas due to extremist threat and taken shelter in this gaon panchayat. This number is quite large in view of the fact that the total number of families living in this gaon panchayat in July 2005 was 1262. The office bearers of the panchayat said that the land rights of these terrorist-affected families had been seriously jeopardized by extremist activities in their native villages. They owned homestead and agricultural land in the villages they came from. In their new location, these victims of extremism were landless and homeless and most of them eked out a living by working as daily labourers on various development activities undertaken by the gaon panchayat from time to time. The lucky few among them had relatives living in the panchayat and found temporary shelter in their homes.

So, when it was decided that the land rights of women would be studied in West Noabadi village located in this panchayat, it was decided to include a family whose land rights were affected by extremism in the sample. Accordingly, the household of Parimal Das, a Bengali victim of extremism who had taken shelter in West Noabadi village was included in the sample. Das was a resident of Mandai village where he practised agriculture. He had to leave Mandai in 1999 because of the extremist problem and had become a landless refugee in West Noabadi village. He had relatives in West Noabadi village who allowed him to build a hut on their homestead land. He worked as a daily labourer earning about Rs.2000.00 per month but on an average, he could get employment only for six months in a year. His wife, Anita Das, was a housewife before the family had to flee from Mandai. The loss of land rights of her husband due to extremism has forced her to join the labour market. The financial crisis facing the family as a fall out of the extremist threat had forced her to seek employment in a brick kiln where she worked for two months in a year and earned a total income of Rs.2000/- per year.

As has been said before, a part of Ghantacherra village in Dhalai district where the land rights of tribal women were studied falls within the jurisdiction of the Atharamura Reserve Forest. It was mentioned earlier that the tribals of the village living in the reserved forest area exercised their user rights over these forest lands for collecting sungrass, firewood and bamboo for their own use or for sale without encountering much opposition from the Forest Department. However, it was found that the user rights over forest lands of 7 tribal families in Ghantacherra were severely curtailed due to extremist activities in the area. The extremist-affected tribal families all reported that they were afraid to go deep inside the forest to collect sungrass, bamboo, firewood and other minor forest produce because they were terrified of extremist attacks. Therefore, to the extent that minor forest produce is collected by women, their user rights over forest lands were adversely affected by extremism. 3 of the extremist-affected tribal families of Ghantacherra also reported that they used to live deep inside the Reserve Forest before extremists chose this part of the Atharamura Reserve Forest as their area of operation. These families have had to relocate their homes in the fringe areas of the forest where they are less vulnerable to extremist attacks. The relocation of their homes has involved

a curtailment of the user rights over forest lands of both the men and the women of these tribal households as the minor forest produce they collect for their own consumption and for sale is not available in abundant quantities in the fringe areas of the Reserve Forest.

The impact of border fencing on the land rights of women in Tripura: findings from the field survey

Tripura has a 856km-long porous border with Bangladesh through which illegal immigrants and smuggled goods have an easy access into the state. Cross-border crimes like *dacoity*, trafficking in women and children and cattle lifting are common in Tripura and goods are also smuggled from India into Bangladesh through the state. Most importantly, insurgents freely cross over to Bangladesh and take refuge there after launching an operation in Tripura, making it virtually impossible for the state to curb extremist activities. Arms smuggling from across the border by various insurgent groups is another problem that the state has to contend with.

Border fencing has started in Tripura in a bid to check these problems. Barbed wire fences have been put up or are in the process of being put up inside the Indian territory 150 yards away from the zero line on the Indo-Bangladesh border as according to the terms and conditions of the Indo-Bangladesh agreement, any activity within 150 yards of the zero line is prohibited. Gates are situated at intervals along the barbed wire fencing and are manned by the Border Security Force. For security reasons, the gates are opened in the morning and kept locked during the night. This is creating problems relating to land rights for the people of Tripura who live in the border areas because some houses, parts of houses, homestead plots, cultivated lands, water bodies and fallow lands that belong to them or are used by them are located inside the Indian territory but outside the border fence.

In order to study how the land rights of households in general and their female members in particular have been affected or are likely to be affected by border fencing, visits were paid to two localities, South Ramnagar and Jaypur, that are situated in Ward No. 10 of the Agartala Municipal Corporation in West Tripura District and are contiguous to the Indo-Bangladesh border. These two localities were selected for study because though both of them are situated within the municipal limits of the state capital, Agartala, they are quite different from each other. South Ramnagar is an urbanised area where very few people depend on agriculture whereas the residents of Jaypur depend mainly on cultivation. At the time of the field visit to these two places in December 2005 and January 2006 the site where the border fence was going to be put up had been fixed in South Ramnagar and trenches had already been dug for the fencing to be put up in Jaypur. Families caught between the border and the fence were interviewed in these two localities. Ganganagar, the village in Dhalai district where sample households were interviewed for the study, also lies close to the border and the work of border fencing has been completed there. Some of the sample households of Ganganagar have been affected by border fencing. How the rights of these sample household and of their female members ( and not necessarily their land rights only) have been affected by border fencing also forms the subject matter of study.

In Jaypur, where agriculture was the mainstay of the population, the land rights of 46 families were found to be affected by border fencing as their cultivable land lay either partly or wholly between the border and the fence. The affected families complained that the gates in the border fence open at fixed times only and this impeded their agricultural work. More importantly, as their land lay outside the fence, they said they felt unprotected when they worked in their fields. They felt that their harvests were not secure and there was a lot of confusion about the compensation they would receive for the land that had been acquired for building the border fence.

In South Ramnagar, many homes and homestead plots have fallen either fully or partially outside the border fence. This has generated a feeling of insecurity among the people and has also made them vulnerable as they cannot move elsewhere in the neighbourhood. Only households whose lands have been acquired for building the fence and the adjoining road will be compensated for their loss of land and the rest are too poor to buy land elsewhere out of their own funds. They cannot raise additional funds by selling their lands falling outside the border fence as there are no takers for them because they are considered to be unsafe.

User rights over land are seriously affected by border fencing. The people of South Ramnagar used to do fishing in a large water body that falls outside the fence. This fishery will have to be abandoned because of the security risk involved in working outside the border fence. Ajir Mian, one of the heads of households interviewed in Ganganagar, had taken land on barga. This land used to yield him an annual income of Rs6000.00 but he had to give up cultivating it because of security reasons and also because he could not be sure that his crops would not be harvested at night by Bangladeshis when the fence gates remained closed as it fell outside the fence. Ajir Mian used to take decisions regarding the use of his barga land along with his wife. So, his wife also has lost the right to take decisions regarding the use to which her husband's barga land is to be put and the disposal of its produce as a result of border fencing.<sup>6</sup>

Though only a handful of women owned land either in Jaypur or South Ramnagar, they were of the opinion that their user rights over land will be seriously threatened as a result of border fencing. They will lose control over the produce of their kitchen gardens where their homesteads fell outside the fence. Most of the women of South Ramnagar collected rice straw and firewood from the fields and land situated outside the border fence. They feared that they would lose their user rights over the land falling outside the border fence because of the security risk involved in stepping outside the fenced in area. They felt that they would also face non-land related problems in working as maid servants and daily labourers in the city as the gates at the border fence would be opened at specific times of the day. Sending their children to schools across the fence and seeking medical help

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<sup>6</sup> Apart from losing their land rights, there will be a loss of livelihood in South Ramnagar where people are day labourers who leave their homes early in the morning in search of work and return late at night when their day's work is done. These people will not find the gates open either early in the morning or late at night and will find it difficult to make a living. Khas lands situated outside the border fence were cultivated in South Ramnagar and people from the locality worked there as agricultural labourers. These lands are no longer cultivated and are lying fallow because of the security risk involved in cultivating lands situated outside the border. This has rendered the agricultural workers jobless.

when the gates remained closed would pose problems for the women of the locality. They were also worried that their 'honour' would be at risk as their homes and lands located outside the fence would be totally unprotected from Bangladeshi miscreants. They also feared that they would become the victims of sexual assault by the Indian security personnel who would be very much more in evidence in their localities as a result of the construction of the border fence.

Very few advantages were perceived by the people of South Ramnagar and Jaypur as a result of border fencing as they had never suffered from cross-border *dacoities*, cattle thefts or extremist attacks from across the border.<sup>7</sup> However, they grudgingly concede that border fencing is a necessary evil in border states of India.

The impact of developmental activities on the land rights of women in Tripura : findings from the field survey

Developmental activities undertaken in any state have an impact on the land rights of its people. Tripura is no exception in this regard. However, as development-induced changes in land rights, particularly of the women of the state constitute an essential aspect of any study dealing with land rights, some case studies of development projects undertaken in Tripura that have had an impact on the land rights of the people of the state in general and its women in particular as well as are discussed here.

Two large scale development projects currently under way in the state are the extension of the railway line up to Agartala and the construction of the 13 km-long bypass road to ease the traffic congestion on the Assam Agartala road..

The extension of the railway line up to Agartala has been seen as a great boon for the state but it has had adverse implications for the land rights of the people whose lands have been acquired by the Railways. Entire families including their womenfolk have suffered as a result of the extension of the railway line up to Agartala. A few families that live on both sides of the railway cutting near the Nagicherra Agricultural Farm of the Agriculture Department of the Government of Tripura at Nagichhara village in Malaynagar gaon panchayat in West Tripura district who have lost the land they owned or used as a result of the construction of the railway line were interviewed to examine how the land rights of the families in general and of the women of the family in particular have been affected by this development project. As the bypass to Agartala runs parallel to the railway track in this area, the effect of both the projects on the land rights of men and women could be seen here.

Nepal Chandra Biswas was an allottee of government land whose land was acquired by the Railways. He got a compensation of Rs.10000/- for the land he had to give up and has purchased a much smaller plot of land for his homestead for Rs.8000/- by the side of

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<sup>7</sup> However, the case of Abid Ali of Ganganagar who lived by selling milk from his cows is different. All 30 of his cows were stolen by Bangladeshi thieves from his cowshed at night before the border fence came up in his village. As a result of his loss, he was forced to change his occupation and he welcomed the border fence.

the railway cutting with the compensation money. He is a government servant so his livelihood has not been jeopardized by his loss of land right. Sunil Singh, another household head who was interviewed for the study is a bidi worker. He was an allottee who had 5 gandas of homestead land in his own name. He had a house and valuable trees on his homestead plot that was acquired by the Railways. He got a compensation of Rs. 15000/- from the Railways for his land and has bought 5 gandas of land for building his new home in his own name. Gopal Biswas is a carpenter by profession. He had 3 gandas of khas land that the Railways took over. Though he did not get any compensation for the land he used because he did not own it, the Railways compensated him for the house he had built on the plot of land and the trees that grew there. His wife, Jyotsna Biswas is a bidi worker. She feels the loss of the land that the family used very strongly as the couple has not been able to buy any land with the compensation money. They do not have a house of their own and live in Jyotsna's father's house which is in the same locality. Some families interviewed in the area had lost their land rights twice over due to developmental activities undertaken in the area— once when the Railways acquired land and again when the bypass road was built. Manik Das was an allottee who had been allotted 5 gandas of land. The Railways acquired his land in 1999 and paid him a compensation of Rs.30000/-. Since 1999, he has been living in Ashrampara where he had bought 10 gandas of land for Rs. 20000/-. When the bypass road was constructed, he lost a part of this newly acquired land also. 3 gandas of his new plot of land were acquired for the bypass road and he got a compensation of Rs. 10,000/- for it. Dulal Sarkar is an electrician. He had been allotted 5 gandas of homestead land by the government. He had sold off 2.5 gandas of land earlier and the Railways acquired 0.5 gandas of his remaining land and paid him a compensation of Rs.5000/- for the land it acquired. When the bypass road was constructed, the remaining 2 gandas of land that he had was acquired and he became landless. He got a compensation of Rs.25000/- for the land but at present he is landless. He has been allowed to build a mud hut in the homestead plot owned by Manik Das and stays there with his wife Dipti Sarkar.

It was the male of the family who lost his land when the Railways or the Highway Authority acquired land as land was owned by the men in the sample households. However, the women of the sample families also suffered as a result of the loss of land because they had used the land that was acquired for development for growing fruits, vegetables and fuelwood trees. They face an acute shortage of water in their new homes and many of them will have to cross the railway track whenever they have to fetch water for their household work. So, the use value of the land that the menfolk owned has gone down drastically for the women.

Another case study of the abrogation of the land rights of women as a result of development activities was done in the Uttar Champamura *gaon panchayat* in West Tripura District. The bypass road that is being constructed runs through this *gaon panchayat*. 22 families that used to occupy khas lands where the bypass road to Agartala is being constructed have been relocated in a newly developed site within the territorial limits of Uttar Champamura *gaon panchayat* not far from their original homes. Talks had been going on for the last fifteen years for taking over the land for the bypass. Initially, there was a lot of resistance to the take over of land but through a long process

of discussion with the *panchayat* the affected households had agreed to give up their land.<sup>8</sup> Houses have been constructed for the families under the Indira Awas Yojana, electricity, sanitary facilities and water supply have been provided to the relocated families by the *gaon panchayat* and 3 *gandas* of homestead land have been allotted to each of these families. Although joint *pattas* are to be issued to these allottees in the name of the husband and the wife jointly unless the allottee is a woman or a single man, the allottees have not yet received their papers and the whole process will require some more time according to the *panchayat* officials. These allottees are naturally worried about the delay in getting the formalities completed so that their ownership rights over the land allotted to them becomes legal. It appeared that there was some lack of transparency regarding the allotment of land because some of the families that were interviewed were not aware of the fact that joint *pattas* for the allotted land would be issued in the names of both spouses. When the matter was explained to them, the men did not seem to be unhappy at the prospect of having their wives as joint owners of the allotted land and the women were elated at the prospect of becoming co-owners of land along with their husbands. However, some families said that they had occupied much larger plots of land before their ouster for the construction of the bypass. Many of the families complained they had lost valuable income-yielding trees that grew on their homestead plots and had not received any compensation for them. The newly developed site where the families have been relocated was originally a low-lying area with a large pond that was filled up. The families that have been relocated all agreed that they had many more facilities in their new homes as compared to their old ones but they all complained that in the rainy season the homestead plots and the approach road to the settlement get flooded and this causes them a lot of problems. The women of the area pointed out that even their homes became flooded in the rainy season.

In conclusion, it can be said that women seem to face a lot of hardship when the family's land is acquired for development activities. Since women look after the home and hearth, losing their homestead land and home is a specially traumatic experience for them. They also lose the user right over their original homestead plots where they grew fruits and vegetables that partially met the nutritional needs of the household. However, it must be admitted that in recent times, when land is allotted to households affected by development projects, women tend to gain newly-acquired land rights because of the system of issuing joint *pattas* in the names of both the husband and the wife. So, displacement for development can be a blessing in disguise for the women of allottee families.

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<sup>8</sup> However, land for developmental activities is sometimes donated voluntarily in the state and no coercion is involved in the process of land acquisition. During the course of the field survey in Dhalai district it was found that in Purba Nalicherra village, Shephali Chakraborty had given 2 *gandas* of land, in Ganganagar village Eamani Mian and Md. Akbar Ali ad given 2 *gandas* of land each and Abid Ali had given up a small part of his homestead land and in Ghantacherra village, Nainyn Kumar Malsum had given up 0.5 *kanis* of land and Balabir Malum had given 8 *gandas* of land to the respective *gaon panchayats* for development work to be undertaken by them. These lands were acquired by the *gaon panchayats* mainly for building or widening village roads and were given up voluntarily even though it meant abbreviated land rights for the owners. Since relatively speaking, these donors owned large parcels of land neither they nor their womenfolk suffered as a result of the loss of land.

### **Chapter 3** **Policies for enhancing land rights of women in Tripura**

Land rights are important for women and there is scope for enhancing the land rights of the women of Tripura. This chapter lists the various policy measures that can be adopted to enhance the land rights of women and discusses some policy initiatives that have been taken in the state to accomplish this.

#### **Section 1: enhancing the ownership rights of women over land**

1. In order to enhance the ownership rights in land of women in the state, the state government can implement the progressive laws that are already in existence in the country more vigorously.

- For example, the Hindu Succession Act, 1956 and its successive amendments should be implemented more rigorously in the state in order to ensure that the Hindu women of the state enjoy equal rights to parental property along with their male siblings.
- A joint *patta* was issued by the government only in the case of a single sample household. To remedy this situation, joint *pattas* will have to be issued to both spouses on a war footing whenever the government allots land to enhance the land rights of women in the state. Initiatives will have to be taken to allot land to single women, widows and deserted women to give them ownership rights over land.

2. It will not be enough to implement the progressive laws that already exist for enhancing the land rights of women.

- Certain changes in the laws regarding the land rights of women will also have to be made to enhance the land rights of women in the country in general and in Tripura in particular. Though the time may not be ripe for it, it may be worthwhile for the Central Government to look into the possibility of introducing changes in the Muslim law of inheritance in view of the unequal position that women enjoy under it as far as their inheritance rights over landed property are concerned.
- Some regressive moves like the codification of the tribal customary laws with their strong anti-women provisions as far as the inheritance rights of tribal women are concerned will have to be resisted by the state government because codification of tribal customary laws will entrench the hold of patriarchy in tribal society and make it difficult for tribal women to become land owners. The study reveals that there has been a demand for changing the laws from within the Muslim and the tribal communities themselves so that women get more land rights so that making changes in the law may not be that difficult provided the same is the case all over the country. However, this assumption may not be valid

in many other states of India and giving more land rights to women is fraught with problems in most states of India because of social backwardness and the strong entrenchment of patriarchy in them, from our study it appears that Tripura is more comfortably situated in this regard than most other states of India. The level of legal awareness in the state is high and theoretically at least, in other than a few exceptional cases, irrespective of the community they belonged to, women as well as men who were interviewed for the study were in favour of equal land rights for women. This is probably due to the fact that relatively speaking, the level of education is high in the state and the state is socially more advanced than many other states of India.

- A number of tribal women in the sample were found to be users of forestlands over which individuals could not exercise ownership rights according to the terms and conditions of the Forest Conservation Act. The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Bill should be passed by Parliament and should be made operational without much delay so that the long-standing demand of tribals in general and tribal women in particular in Tripura for the regularisation of forest lands occupied by them can be addressed.

3. Additional steps will have to be taken to enhance the land rights of women in the state.

- The study shows that though the custom of giving *den mohar* to a woman at the time of her marriage has made many Muslim women the owners of land it is not always easy for a woman to gain control over the land she had received as *den mohar* at the time of her marriage if her marriage fails. The AIDWA has launched a movement in Tripura for the immediate handing over of the land to women who had received it as *den mohar* if their marriages break up. Such social movements have to be supported strongly by members of the community.
- Women should be encouraged to use the land they own and make decisions regarding the land owned by them and not expect men to take over these responsibilities from them if they are to enjoy effective land rights.
- Since many of the women in the sample households who owned land were illiterate, their education has to be upgraded so that they can make use of their land and take decisions regarding the land they own and are not forced to alienate the land they own through ignorance. Their poverty has to be eradicated because of the same reason.
- A relatively small percentage of women owning land own productive or potentially productive land so that land ownership does not necessarily guarantee economic well being for them. Women's rights to productive and potentially productive land should be ensured in the state to empower women. However, homestead land is not necessarily unproductive, especially in the hands of women who often use a part of their homestead plots as kitchen gardens that go a long way in supplementing the income

and consumption of their families. Even when women own homestead land, they should be given opportunities to use their land productively so that it yields a supplementary income to them or allows their families to increase their consumption from the produce of their kitchen gardens.

- Though the study revealed that most women in Tripura had acquired land rights through inheritance, many women of the state were deprived in various ways from inheriting parental property irrespective of the community they belonged to. The psychological and social impediments preventing more women from inheriting landed property in Tripura will have to be removed if women are to enjoy more ownership rights over land. Awareness campaigns and education will have to be given their due importance not only by the government but by NGOs, political parties and other agencies connected with women's development so that men and women can be sensitised to the issue of enhancing the land rights of women. There was demand for increasing awareness and spreading education among the men and the women who were interviewed for the study on the land rights of women. They had given top priority to these measures for enhancing the land rights of women. The participants in the interactive sessions with women from different walks of life and people interested in women's issues were also unanimous in their opinion that it will be impossible to ensure that new laws to enhance the land rights of women will be enacted and the existing progressive laws relating to the land rights of women will be implemented without promoting awareness and education among the people of the state.
- Though border fencing may be a necessary evil, the plight of the people, especially their womenfolk who are caught between the border and the fence should not be forgotten. The possibility of relocating them on land inside the fence should be examined though it might be difficult given the paucity of suitable land in the neighbourhood of the areas where they live. A solution to this problem will become imperative if the BSF's proposal of creating a 'no habitation zone' of 150 yards outside the border becomes a reality. Adequate compensation has to be paid for the loss of user rights over land outside the border fence and common property resources that were used especially by the women before the border fence was erected. The feasibility of shifting the border fence right up to the border will have to be examined so that the land rights of people living in border areas are not threatened. However, this is a bilateral issue between two governments.
- Extremism will have to be rooted out from the state if the adverse impact of extremism on the land rights of women in the state has to be addressed.
- In situations where families lose their land as a result of development activities undertaken in the state, it is imperative that as far as possible the affected families should be given land for land. When land is allotted to land losers, the rights of women in land should be ensured by issuing joint *pattas* to both the spouses.

- Where land ownership rights cannot be granted to women, their user rights over land can be enhanced. Initiatives have already been taken in the state to enhance the usufructuary rights of women over land through strengthening some new initiatives taken in the state

## **Section 2: Assessing some initiatives taken in Tripura to increase the user rights of women over land**

Though ideally more women should be given ownership rights in land in the state, it is difficult to achieve this goal in practice as Tripura is a land-poor state. In spite of this constraint, some initiatives have been taken in the state to give women more usufructuary rights over land. Two case studies have been made of such initiatives and their efficacy in enhancing the land rights of women in the state are assessed below.

### A case study of Yapri Kotal, a land-based women's self help group in West Noabadi village

Quite a few women's self help groups in Tripura have taken cultivable land or water bodies on lease from individuals or panchayats and are growing betel vines, fruits and vegetables or paddy on these lands or practising pisciculture on these water bodies. A case study was done of one such women's self help group named Yapri Kotal with 11 tribal women members in Ward no. 1 of West Noabadi village where the tribal population of the village is concentrated.

Yapri Kotal has been in existence since 2004. All its 11 members are either literate or educated. Each member contributes Rs.50 per month to the funds of the SHG. The SHG had received a bank loan of Rs.14000 from the Khayerpur Branch of the Tripura Gramin Bank in October 2005 and a non-refundable loan of Rs. 6000 from Jirania Block. Among the other economic activities of the self help group, which include rearing pigs and goats in the homes of the members, it has taken 1.5 kani of paddy land on rent from a private individual on payment of an annual rent of Rs.5000. The members of the SHG work on this paddy field and also employ hired labour especially at the time of harvesting the crop. They sell the paddy grown on the land rented by the SHG in the local market and in 2004-05, the SHG had earned a profit of Rs2000 from the paddy they produced. The profit from growing paddy was not distributed among the members but was deposited in the bank account of the SHG to increase its corpus fund. Since land ownership rights especially over productive lands are difficult for women to acquire in the state, getting user rights over productive land through group action is probably a feasible though second best solution to getting more ownership rights over private land.

### A case study of Jeolcherra Regrouping Village in Dhalai District

The loss of land rights as a result of extremist activities is a very difficult problem to solve in view of the paucity of land suitable for cultivation in the state. Tribal shifting cultivators who lived in isolated hamlets in the interior hilly areas of the state and were forced to leave their homes because of attacks by extremists were relocated by the government safe locations close to roads and police stations. Due to the paucity of land most of these regrouping villages had to be located in reserve forest areas where no non-

forest activities can be undertaken under the Forest Conservation Act. The difficulties encountered by the Government of Tripura in implementing its policy of regrouping villages for rehabilitating jhumia households affected by extremism because of the Forest Conservation Act are brought out in the case study of the Jeolcherra regrouping village near Ambassa in Dhalai District.

A visit was paid to the Jeolcherra regrouping project located in the Ambassa Block of Dhalai District which falls within the Northern Circle of the Ambassa Forest Division in November 2005 to assess the land rights of the inmates of the regrouping village who had left their hamlets in the interior hills and camped on the Ambassa-Kulai road to escape from extremist attacks prior to being accommodated in the regrouping village established for rehabilitating them.

According to the figures provided by the District Administration, altogether 368 jhumia families are to be rehabilitated in the Jeolcherra regrouping village. Their original hamlets were ten to fifteen kms. away from the project site deep inside the forest. At the time of the visit, it was found that 100 Reang, Malsum and Tripuri families had moved into the regrouping village, having constructed their thatch and bamboo shanties with a grant of Rs. 3000/- per family under the Indira Avas Yojana from the Tribal Welfare Department. The other beneficiary families are yet to move in either because they have not received their house grant or because they are still in the process of building their houses .

The usufructuary rights over forest lands enjoyed by the rehabilitated jhumia households and their women have been severely curtailed after they have moved into the regrouping village. When they lived deep inside the forest, the Forest Department left them more or less alone as monitoring their activities was not possible. They could practise jhuming and collect as much forest produce as they needed as the Forest Department's surveillance over the 'exploitation' of the forest by them was minimal. In the regrouping village which is close to the main road things are different. Since they have moved into the regrouping village, they cannot use the forest land for earning their living as freely as they did before. Their user rights over forest lands have been abbreviated in their new location. They do not have suitable jhum plots near the village, jhuming is not allowed near the roads and they face occasional harassment from the Forest Department when they collect forest produce for their own use or for sale. Since non-forest activities cannot be taken up in Reserved Forest areas according to the provisions of the Forest (Conservation) Act, 1980, providing the jhumias who have now settled in the regrouping village with income-earning opportunities is problematic. No land rights can be provided to the inmates of the regrouping village even as far as their homestead plots are concerned because ownership rights on forest land are denied even to tribals living in forest villages. Even if the Scheduled Tribes (Recognition of Forest Rights) Bill is passed and regularisation of forestland occupied by tribals in the regrouping villages becomes a reality, gender justice might take a drubbing unless it is ensured that joint *pattas* are issued to the families that are resettled in the regrouping villages.

Given the high degree of awareness of the people of Tripura and the political will and the innovativeness of the government of Tripura, it can be hoped that the women of Tripura will get a better deal in future as far as their land rights are concerned.

**The Impact of Border Fencing and Extremism on the Land Rights of Women in Tripura: Findings Based on Fieldwork**

Tripura has a 856km-long porous border with Bangladesh through which illegal immigrants and smuggled goods have an easy access into the state. Cross-border crimes like dacoity and cattle lifting are common in Tripura and goods are also smuggled from India into Bangladesh through the state. Most importantly, insurgents freely cross over to Bangladesh and take refuge there after launching an operation in Tripura, making it virtually impossible for the state to curb extremist activities. Arms smuggling from across the border by various insurgent groups is another problem that the state has to contend with.

Border fencing has started in Tripura in a bid to check these problems. Barbed wire fences have been put up or are in the process of being put up inside the Indian territory 150 yards away from the zero line on the Indo-Bangladesh border as according to the terms and conditions of the Indo-Bangladesh agreement, any activity within 150 yards of the zero line is prohibited. Gates are situated at intervals along the barbed wire fencing and are manned by the Border Security Force. For security reasons, the gates are opened in the morning and kept locked during the night. This is creating problems relating to land rights for the people of Tripura who live in the border areas because some houses, parts of houses, homestead plots, cultivated lands, water bodies and fallow lands that belong to them or are used by them are located inside the Indian territory but outside the fence.

In order to study how the land rights of households in general and their female members in particular have been affected or are likely to be affected by border fencing, visits were paid to two localities, South Ramnagar and Jaypur, that are situated in Ward No. 10 of the Agartala Municipal Corporation in West Tripura District and are contiguous to the Indo-Bangladesh border. These two localities were selected for study because though both of them are situated within the municipal limits of Agartala, they are quite different from each other. South Ramnagar is an urbanised area where very few people depend on agriculture whereas the residents of Jaypur depend mainly on cultivation. At the time of our visit to these two places in December 2005 and January 2006, the site where the border fence is going to be put up had been fixed in South Ramnagar and trenches had already been dug for the fencing to be put up in Jaypur.

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