

surviving stigma

Housing and Land Rights of
Farm Widows of
Vidarbha, Maharashtra



HOUSING AND LAND RIGHTS NETWORK



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executive summary

The western Indian state of Maharashtra accounts for the highest number of farmer suicides in India. The National Crime Records Bureau (NCRB)¹ reveals that 2,568 farmers committed suicide during the year 2014 and 3,030 farmers committed suicide in 2015.² A study by Kisan Mitra,³ a farmer's collective in Maharashtra, reveals that on average, five farmers take their lives every day. The region of Vidarbha in Maharashtra has been struggling with worsening drought conditions for the last four decades. Most farmers in the region are small farmers with marginal holdings of less than two hectares. Drought, crop failure, and high interest rates contribute to growing bankruptcy and indebtedness of the farmers. This has led to an increasing number of farmers committing suicide. The most common reason cited for these suicides is the inability to repay loans.⁴

While a large number of male farmers continue to take their lives in desperation, their widows are left to deal with the state, moneylenders, in-laws, and a society that stigmatizes them and denies them their equal rights. There is little documented information on widows and their struggles to claim their rights to the lands that they till and work on, and the houses that they live in with their children.

Widows in India, traditionally and historically, have been ostracized and abused by society. The widows of farmers who have committed suicide experience particularly difficult situations resulting from the added stigma associated with suicide and loss of face due to the inability to repay loans. In addition to the grief, psychological trauma, and shock of the sudden demise of their husbands, these women suffer from financial stress and hardship, and live in great insecurity, worried about their own and their children's well-being and future.

There is, therefore, an urgent need to develop policy responses that explicitly address the persistent gender inequality and rights of widows within a human rights framework. It becomes critical to assist farm widows (women farmers whose husbands committed suicide), especially in their extenuating circumstances, to gain access to their homes and agricultural lands. Equitable access to land is a human rights issue and according to General Recommendation No. 34 of the United Nations (UN) Committee on the Elimination of Discrimination against Women, on the Rights of Rural Women, "land rights discrimination is a violation of human rights."⁵

Given reports of the continued suffering of, and discrimination against, farm widows in Vidarbha as well as the lack of documentation of their concerns, Prakriti, Nagpur, with the support of Housing and Land Rights Network (HLRN), Delhi, decided to undertake a study to investigate the living conditions of farm widows, with a focus on their housing and land rights. The study is based on a combination of primary data collection through surveys in four districts of Vidarbha – Akola, Amravati, Wardha, and Yavatmal, and secondary research.

The study reveals the acute vulnerability of farm widows and the multiple violations of their human rights. It highlights the physical, mental, and emotional suffering and economic exclusion of the women, including drastic changes in the behaviour of their in-laws after the death of their husbands. It also brings to light the impacts of social and state

1 'Farmer suicides in India,' National Crime Records Bureau, Ministry of Home Affairs, Government of India. Available at: <http://ncrb.nic.in/StatPublications/ADSI/ADSI2014/chapter-2A%20farmer%20suicides.pdf>

2 'Accidental Deaths and Suicides in India 2015,' National Crime Records Bureau, Ministry of Home Affairs, Government of India. Available at: <http://ncrb.nic.in/StatPublications/ADSI/ADSI2015/adsi-2015-full-report.pdf>

3 '1 in 3 farmer suicides in Vidarbha over Rs 10,000 debt: Study,' *Hindustan Times*, 21 July 2015. Available at: <http://www.hindustantimes.com/mumbai/1-in-3-farmer-suicides-in-vidarbha-over-rs-10-000-debt-study/story-6g5e4B92yLTrAPohoWlmNK.html>

4 'In 80% farmer-suicides due to debt, loans from banks, not moneylenders,' *The Indian Express*, 7 January 2017. Available at: <http://indianexpress.com/article/india/in-80-farmer-suicides-due-to-debt-loans-from-banks-not-moneylenders-4462930/>

5 'General Recommendation No. 34 on the Rights of Rural Women,' Committee on the Elimination of Discrimination against Women, 4 March 2016. Available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf

intervention. Deep-rooted discrimination against widows, especially with regard to house and land ownership, is underscored as an important issue that needs to be addressed at multiple levels – social, political, and legal.

Some of the major findings of the study include:

- **Suffering of widows:** Women reported how they were shunned by family elders and in-laws when they asked for their share in the family house or land, on the pretext that a house cannot be “broken.” Most of them were subjected to abuse and indignity in the marital household.
- **Violence against children:** In a considerable number of cases, women reported that when they demanded their share of property, the safety of their children was at risk.
- **Joint family set-up and patriarchal stronghold on ownership:** Most of the study respondents (88 per cent) reported that at the time of their husband’s suicide, they were staying with their in-laws and husband in the family house, revealing their high dependency on the joint household and common pool of resources.
- **Social alienation, stigma, and ostracism:** The relationship of the women with their in-laws is strained when they demand their access to land/housing and their share of the marital property. Often, they are not included in or invited to family gatherings and events. They face social ostracism and their ties, even with their extended family, are often severed.
- **Acute lack of awareness:** The study highlights that in many cases, widows do not have any information with regard to their family’s landholdings, property papers, or their legal or inheritance rights, resulting in them not making any attempt to secure their rights.

Recommendations

Given the multiple violations of human rights faced by farm widows after the demise of their husbands, this report calls for the immediate implementation of the following recommendations by the state:

- Develop, review, revise, and implement laws, policies, and procedures to prohibit and eliminate all forms of discrimination against widows in India. Review legal and regulatory frameworks to ensure that equal rights of widows are clearly specified and enforced.
- Ensure administrative reform processes—at the local, state, and national levels—in the interests of farm widows related to property and land entitlements, with the aim of ensuring their access to and control over housing, agricultural land, property, and inheritance.
- Carry out human rights education and training of concerned officials on women’s rights, to sensitize them on issues faced by farm widows. Such sensitization should enable the officials to address cases of pension, housing, agricultural credit, and ration for widows on a priority basis.
- Establish counselling centres and provide psychological, and where required, clinical counselling to widows to help them cope with the human rights violations they have faced.
- Support community projects, policies, and programmes that aim to remove barriers to widow’s rights to adequate housing, land, property, inheritance, agricultural and economic resources, infrastructure, and social services.
- Implement all international guidelines and standards, including recommendations by UN treaty bodies and Special Procedures, related to the rights of women, and especially widows.

Conclusion

This study has attempted to understand, document, and highlight human rights violations faced by farm widows, especially to adequate housing and land. Prakriti and HLRN hope that all state and non-state actors will implement the proposed recommendations in order to address the systemic discrimination that they face at multiple levels and to ensure the realization of their human rights.

1 introduction

The Census of India 2011 reveals the high dependence of the country on agriculture, as the sector continues to employ a large percentage of the population. Of 313 million workers in the country, 166 million (56.6 per cent) are engaged in ‘agriculture and allied activities.’⁶ The majority of landholdings are typically small and three-fourths of the farming community comprises marginalized farmers. Despite the importance of agriculture in India, the lack of a focus on investment in agriculture and human rights-based agrarian reform has contributed to rising farmer suicides in various states of the country. This is a very serious cause of concern.

Among the states impacted by farmer suicides, the western Indian state of Maharashtra is severely affected, with the Vidarbha region continuing to report the highest number of suicides in the state, accounting for close to 44 per cent of the total number of suicides.⁷

Rationale for this Study

The high incidence of suicides of farmers in Vidarbha has resulted in a growing number of single-woman-headed families experiencing increasing poverty. The situation of widows after their husband’s unnatural demise is much worse than that of other affected family members. They have to cope with the unexpected and sudden loss of their husbands as well as respond to the impacts of the agrarian crisis and their husbands’ indebtedness. In addition, they witness discrimination, ostracism, and denial of their legal share of their marital homes, properties, and agricultural land.

The term ‘farm widow’ will be used throughout this report to represent these women, who while being widows of men who were engaged in agriculture as their primary occupation, are also farmers in their own right.

Given reports of violations of the human rights of farm widows and their continued suffering and marginalization, Prakriti, with the support of HLRN, decided to undertake a research study to document the lived realities of widows and to understand their everyday negotiations with life, while identifying major obstacles to the realization of their housing and land rights. The study is based on detailed household surveys conducted in four districts of Vidarbha—Akola, Amravati, Wardha, and Yavatmal—as well as on secondary research. This report presents the major findings of the study, locates gaps, suggest ways in which to overcome obstacles and mitigate vulnerabilities, and finally proposes recommendations to the state government in order to protect and guarantee their human rights – particularly their rights to housing and land.

6 ‘Suicides in Farming Sector 2015,’ National Crime Records Bureau, Ministry of Home Affairs, Government of India. Available at: <http://ncrb.nic.in/StatPublications/ADSI/ADSI2015/chapter-2A%20suicides%20in%20farming%20sector.pdf>

7 ‘Vidarbha still tops farmer suicides in Maharashtra,’ *The Times of India*, 30 October 2016. Available at: <http://timesofindia.indiatimes.com/city/mumbai/Vidarbha-still-tops-farmer-suicides-in-Maharashtra/articleshow/55136565.cms>

2

background of the agrarian crisis in maharashtra

Situation of Agriculture in Maharashtra: Landlessness and Land Reforms

Land ownership patterns in India are largely imbalanced and inequitable, as land is concentrated in the hands of a few. Maharashtra, a state located on India's west coast, has been the terrain of numerous peasant and social movements that have impacted the agrarian relations of the state. Land reforms were implemented in the state in a phased manner. The first phase looked at the prevention of fragmentation of land holdings, abolition of intermediaries, and tenancy reform. In the next phase, redistribution was the focus to reduce the inherent inequality in land ownership. In order to address this issue, after independence, the Kumarappa Committee was formed by Dr Rajendra Prasad in 1947 to introduce land reforms in an effort to revive the slogan of 'land to the tiller.'

With regard to the state of Maharashtra, the Bombay Province enacted several land reform laws, including:

- a) Bombay Tenancy and Agricultural Lands Act, 1948;
- b) The Bombay Prevention of Fragmentation and Consolidation of Holding Act, 1947;
- c) The Maharashtra Agricultural Lands (Ceiling On Holdings) Act, 1961;
- d) The Bombay Moneylenders Licensing Act, 1946; and,
- e) The Bombay Agricultural Relief Act, 1947.

However, even after the passage of these acts, implementation was not adequate. A large number of intermediaries went unrecorded, as they cultivated their land themselves. Those who wanted to evade the law were able to do so and hence the reforms had certain limitations, which further diluted the 'land to the tiller' slogan. Some of the contentious issues that followed in subsequent amendments included the law being restricted to protect tenants, sweeping exclusion clauses for landlords, the absence of concession in purchase price, and problems in the definition of a family unit.

Feminization of Agriculture

The majority of female agricultural workers are from rural areas and are engaged in cultivation and other agricultural activities. A study on women's participation in agriculture⁸ reveals that the number of female agricultural labourers in Maharashtra, Tripura, and Kerala record a compound growth rate from the period of 1961–2001; reportedly it also continued thereafter. This 'feminization of agriculture' can also be attributed to the increase in the number of women-headed households as a result of rising suicides of male farmers.

The data below shows the participation of women in farm and non-farm activities in the country in 2014.⁹

State-wise Trend of Women's Participation in Agricultural and Non-Agricultural Activities

State	Total Female Workers	Percentage of Female Workers in Agriculture	Percentage of Female Workers in Non-agricultural Activities
Himachal Pradesh	630,521	82.47	17.53
Manipur	229,137	55.59	44.41
Nagaland	279,166	82.66	17.34
Andhra Pradesh	9,585,381	73.44	26.56
Rajasthan	4,595,570	81.07	18.93
Madhya Pradesh	5,046,293	79.45	20.55
Karnataka	5,467,914	61.11	38.89
Tamil Nadu	7,454,473	59.30	40.70
Maharashtra	1,033,1758	74.53	25.47
Gujarat	3,544,508	57.12	42.88
Odisha	1,584,529	60.47	39.53
Tripura	170,238	52.78	47.22
Assam	126,065	42.47	57.53
Punjab	1,409,704	24.51	75.49
Bihar	3,541,857	83.56	16.44
West Bengal	3,528,612	32.62	67.38
Uttar Pradesh	4,999,389	65.87	34.13
Kerala	1,776,280	21.27	78.73

Financial Status of the Agrarian Community of Vidarbha

Since agriculture in the region has lost its financial viability, the farming community faces the brunt of deteriorating stability, contributing to its distress. Farmers generally take bank loans against their land to buy seeds, fertilizers, irrigation equipment, and to pay labour charges. Private moneylending is still thriving in the region, as most of the farmers still do not have access to institutional credit. Local moneylenders and rural banks offer loans on interest that escalates steeply. With dwindling agricultural returns, this becomes a debt-trap for farmers. Farmers rely on crop yields to repay loans. However, adverse conditions like drought and unseasonal rain contribute to poor crop yields and subsequently to farmers' further impoverishment. Less than 20 per cent of farmers in India are insured. In Maharashtra, 30.2 per cent farmers benefitted from the National Agricultural Insurance Scheme (NAIS) during 1999 to 2012.¹⁰ Despite government subsidies and schemes for crop insurance, flawed insurance plans and delays in settlement of claims have led to increased distress in the farming community.

A news report in an online journal, 'The Citizen',¹¹ states that, "The policies that have greatly aggravated the agrarian crisis and peasant indebtedness include reversal of land reforms in order to give large tracts of land to corporates, slashing of subsidies on all agricultural inputs like fertilizers and diesel, and removal of quantitative restrictions

8 Ghosh, M.N. and A. Ghosh, 'Analysis of women's participation in Indian agriculture,' IOSR Journal of Humanities and Social Sciences, 19(5), 2014, pp 01-06. Available at: <http://iosrjournals.org/iosr-jhss/papers/Vol19-issue5/Version-4/A019540106.pdf>

9 Ibid.

10 Report of the Committee to Review the Implementation of Crop Insurance Schemes in India, 2014, Ministry of Agriculture, Department of Agriculture and Cooperation.

11 'Vidarbha reels under agrarian distress,' *The Citizen*, 27 March, 2016. Available at: <http://www.thecitizen.in/index.php/OldNewsPage/?Id=7241&Vidarbha/Reels/Under/Agrarian/Distress>

on foreign agricultural imports. Other factors include decline in public expenditure on agriculture, irrigation and rural development, invasion of MNCs (multinational corporations) in agriculture, leading to big rise in costs of all inputs, privatization of irrigation and power projects, leading to much higher costs, crunch in institutional credit to farmers, thus boosting rapacious moneylenders. There has also been serious weakening of agricultural research and development and extension systems.”

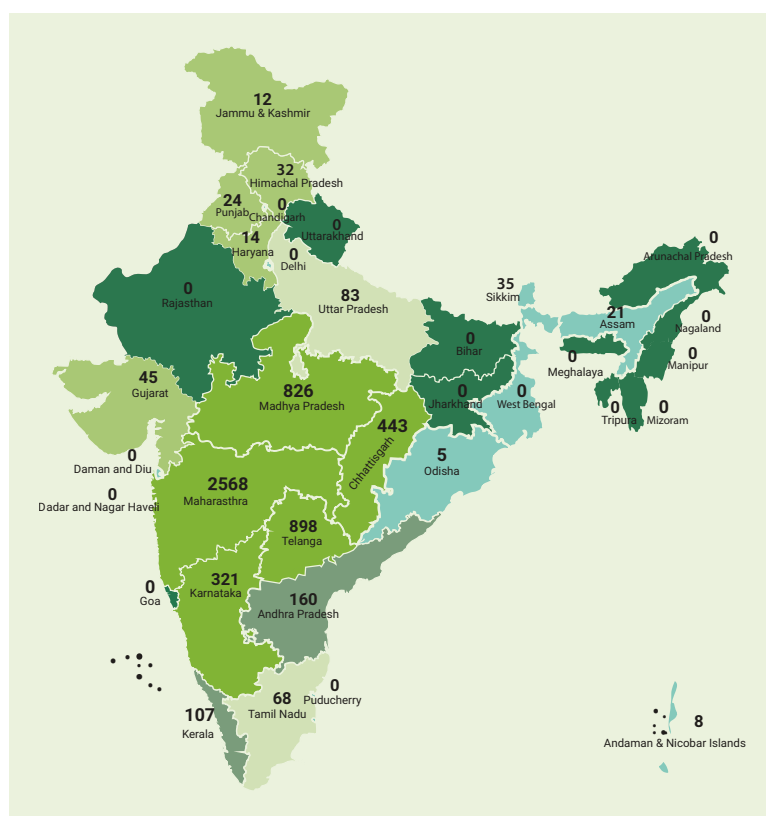
The report goes on to say that the Vidarbha region of Maharashtra has benefited the least from the state government’s loan waiver scheme. The properties of joint families in the region are often in the name of all the family members (unlike elsewhere in the state where the family-owned land is divided in the names of individual members and every individual has the status of an independent farmer) making them ineligible for the loan waiver, which requires a farmer to hold not more than five acres of land.

Even for many of the farmers who were given loan waivers from the state government, the benefit was restricted to Rs 25,000 and the balance of Rs 75,000 was invested as a fixed deposit. “Since 2001, six of 11 districts of Vidarbha—Amaravati, Akola, Yavatmal, Buldhana, Washim and Wardha—had more than 8,000 farmer suicides but only 2,497 of the families were considered “eligible for the compensation of Rs 100,000. Every year the percentage of ineligible farmers is increasing because of the wrong and faulty *panchanamas* done by the police and this happens at the behest of the government.”¹²

The Phenomenon of ‘Farmer Suicide’

Nowhere on the global stage does one find the suicide rate among farmers as high as it is in India. Maharashtra alone has over 200,000 farmers who have committed suicide in the last decade. Of the total suicides, more than 70 per cent of the farmers belong to 11 districts of the Maharashtra region.¹³ Various analyses¹⁴ of the agrarian situation in Maharashtra, over the years, have looked at the reasons for farmer suicides and have revealed a grim reality. Data from the National Crime Records Bureau (2015) reveals that Maharashtra has the highest number of suicides by distressed farmers in the country.¹⁵

From 2012 to April 2015, a total of 3,145 farmers committed suicide in six districts of Vidarbha – Amravati, Yavatmal, Wardha, Washim, Akola, and Buldhana.¹⁶ Between January and August 2016, 917 farmer suicides occurred in the Vidarbha region of Maharashtra, accounting for 44 per cent of the total number of farmer



¹² Ibid.

¹³ ‘Farmer suicides rise in Vidarbha, Marathwada regions,’ *Mint*, 2 December 2014. Available at: <http://www.livemint.com/Politics/3E31tn7aYIT47QJizq8hWP/Farmer-suicides-rise-in-Vidarbha-Marathwada-regions.html>

¹⁴ Vasavi, A.R, ‘Suicides and the making of India’s agrarian distress,’ *South African Review of Sociology*, 40(1). Available at: <http://agrarianstudies.macmillan.yale.edu/sites/default/files/files/colloqpapers/04vasavi.pdf>

¹⁵ ‘Suicides in Farming Sector 2015,’ in *Accidental Deaths and Suicides in India 2015*, National Crime Records Bureau, Ministry of Home Affairs, Government of India. Available at: <http://ncrb.nic.in/StatPublications/ADSI/ADSI2015/chapter-2A%20suicides%20in%20farming%20sector.pdf>

¹⁶ ‘The story of Vidarbha,’ *The Agroman*. Available at: <http://agroman.in/the-story-of-vidarbha/>

suicides in the state during that period.¹⁷ Indebtedness is reported as one of the most common reasons for farmers ending their lives.¹⁸ It was found that over 900 of these farmers, or nearly one in three, had outstanding debts ranging between Rs 10,000 and 15,000.¹⁹ This debt, reportedly, was enough to drive farmers into a state of helplessness, especially when they were trapped in a vicious cycle of crop damage and losses. The table²⁰ below shows the inter-relation of age group and farmer suicide in Vidarbha in the year 2014.

Incidence of Age Group-wise Farmers' Suicides during 2014					
	Below 18 years	18 years to below 30 years	30 years to below 60 years	60 years and above	Total
Male	35	1,131	3,480	532	5,178
Female	24	169	232	47	472
Transgender	0	0	0	0	0
Total	59	1,300	3712	579	5,650
Percentage share	1%	23%	65.7%	10.2%	100%

For a country where 65 per cent of the population is under the age of 35, it is alarming to note that one in four farmers driven to suicide, was less than 30 years.²¹ Young farmers (aged between 18 and 30) accounted for the second-highest number of suicides, after those in the 31-45 range, comprising 35 per cent of the total.

Be they old or young, when farmers face losses and high debt, the absence of a support system contributes to extreme psychological trauma. Uncertainty of the future coupled with the loss of face resulting from the inability to repay debts remains the primary cause of these suicides. According to a 2015 study by Kisan Mitra—a collective of farmers' organizations—of the 3,145 reported suicides (from 2012 to April 2015 in Vidarbha), at least 925 occurred directly because the farmers felt the government was apathetic towards them. Fewer people blamed factors such as drought, excess rainfall, or hailstorms as reasons for the suicides of farmers.

Several reports²² indicate that the reasons for farmers' suicides are linked to insufficient or risky credit systems, the difficulty of farming in semi-arid regions, poor agricultural income, absence of alternative income opportunities, and the absence of suitable counselling services.

As per a directive of the High Court of Bombay, the Tata Institute of Social Sciences produced a report titled, 'Causes of Farmer Suicides in Maharashtra: An Enquiry'²³ that stated, "The government's lack of interest, the absence of a safety net for farmers, and lack of access to information related to agriculture, as the chief causes for the desperate condition of farmers in the state."

Another study²⁴ has indicated that farmers who followed market trends and diversified crop cultivation with new crops or cash crops failed to meet expected goals, due to a variety of reasons and constraints. To mitigate the alarming trend of farmer suicides, the Government of India implemented the agricultural debt waiver and debt relief

17 'Vidarbha still tops farmer suicides in Maharashtra,' *The Times of India*, 30 October 2016. Available at: <http://timesofindia.indiatimes.com/city/mumbai/Vidarbha-still-tops-farmer-suicides-in-Maharashtra/articleshow/55136565.cms>

18 '1 in 3 farmer suicides in Vidarbha over Rs 10,000 debt: Study,' *Hindustan Times*, 21 July 2015. Available at: <http://www.hindustantimes.com/mumbai/1-in-3-farmer-suicides-in-vidarbha-over-rs-10-000-debt-study/story-6g5e4B92yLTraPo-hoWlmNK.html>

19 Supra, note 14.

20 'Farmer suicides in India,' National Crime Records Bureau, Chapter-2A. Available at: <http://ncrb.nic.in/StatPublications/ADSI/ADSI2014/chapter-2A%20farmer%20suicides.pdf>

21 'Youth in India 2017,' Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India. Available at: http://mospi.nic.in/sites/default/files/publication_reports/Youth_in_India-2017.pdf
Also see, 'Provisional Population Table and Annexures,' Census 2011. Available at https://web.archive.org/web/20120110115944/http://www.censusindia.gov.in/2011-prov-results/data_files/india/Final%20PPT%202011_progresstables.pdf

22 For example, see: Parvatham, G.L. 'Farmers Suicide and Response of the Government in India – An Analysis,' *Journal of Economics and Finance (IOSR-JEF)*, Volume 7, Issue 3. Ver. I (May – Jun. 2016).

23 'Cause of Farmer Suicides in Maharashtra: An Enquiry,' Tata Institute of Social Sciences, Mumbai, 15 March 2005. Available at: http://vnss-mission.gov.in/docs/farmers_suicide_tiss_report-2005.pdf

24 Dev, M. 'Small farmers in India: Challenges and opportunities,' Indira Gandhi Institute of Development Research, Mumbai, June 2012. Available at: <http://www.igidr.ac.in/pdf/publication/WP-2012-014.pdf>

scheme in 2008, in which spending was aimed at writing off part of loan principal as well as the interest owed by the farmers. This benefited about 36 million farmers all over the country.²⁵

In Maharashtra, where farmers' suicides were the highest, the state government passed the Money Lending (Regulation) Act 2014²⁶ to regulate all private moneylending to farmers. The Act set the maximum legally allowed interest rate on loans to farmers, setting it to be slightly above the moneylending rate by the Reserve Bank of India; it also covered pending loans. The Maharashtra government made it illegal, in 2010, for non-licensed moneylenders from seeking loan repayment. It also made it mandatory to disburse government funds through village farmer self-help groups. Other sops like the low-rate crop insurance programme with 50 per cent premium paid by farmer and the government, and alternative income-generating opportunities such as poultry, dairy, and sericulture for farmers in high suicide-prone districts were also floated. The state government also announced a marriage fund under its *Samudaik Lagna* for community marriages, where couples could get married without incurring any cost of hosting wedding celebrations – high cost of marriage, especially of girls, being a cause of suicide among farmers.

25 'Facilities to Farmers,' Press Information Bureau, Government of India, Ministry of Agriculture, 7 February 2017. Available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=158201>

26 The Maharashtra Money-Lending (Regulation) Act 2014. Available at: <http://www.lawsfindia.org/pdf/maharashtra/2014/2014MH8.pdf>

3

study objectives and methodology

Objectives of the Study

Farm widows experience acute insecurity and uncertainty. Aside from the trauma of dealing with the suicide and loss of their husbands, they are subjected to feelings of homelessness and indignity. Shunned by their in-laws and natal households, they struggle to build a future of their own. Despite the relief provided by government concessions and schemes, the greatest challenge faced by farm widows is maintaining their rights to housing and agricultural land. This study, therefore, focuses on the human rights of farm widows to housing, land, property, and food security. It also looks at the impacts of the denial of housing and land rights on 'farm widows.' Widows who do not receive their share of the land/property, continue working as agricultural labourers in other's fields.

With these objectives in mind, the study aims to:

- Understand the housing and land rights-related issues and problems of farm widows in Vidarbha;
- Document the persistent suffering and violation of human rights of the farm widows, including the obstacles to the realization of their rights;
- Spread awareness on the issues of farm widows and highlight their deprivation and suffering;
- Document and assess state intervention and to enlist government policy, programmes, and schemes to support distressed women farmers;
- Discuss the support needed by farm widows to ensure realization of their land and housing rights and entitlements; and,
- Make recommendations to the state and central governments with the objective of ensuring social justice and protection of human rights of the affected women.

Geographical Area of the Study

Of the 11 districts of the Vidarbha region, six districts have been most affected by the phenomenon of farmer suicides. The study thus chose to focus on this geographical area and selected villages from the four districts of Wardha, Amravati, Akola, and Yavatmal in Vidarbha. The study was to initially cover three districts namely, Wardha, Akola, and Amravati. Subsequently, Yavatmal district was added, considering the high rate of suicides in that area. The data collected from these four districts may be representative of other similarly-affected districts.

Description of the Four Field Sites

1. **Wardha District** covers 6,309 square kilometres and has a total population of 1.2 million of which 74 per cent, or 910,000 people, live in rural areas according to the Census of India 2011. The agro-climate of Wardha district is characterized as hot, dry, and sub-humid with dry summers and mild winters.
2. **Akola District** is marked by climate which is tropical, with harsh summers and mild winters. Akola city, the district headquarters, is situated on the bank of a water body Morna and is known for its cotton production. Cotton and javari are the predominant crops grown in the district. Nowadays, soybean is being produced in large quantities in the area.
3. **Amravati District** occupies an area of 12,235 kilometres and has a tropical climate with summer temperatures that go up to more than 47 degrees Celsius. Anjanga on Surji and Achalpur are famous for betel leaves, piper longum, oranges, and bananas. Warud, Morshi, Chandur Bazar, and Achalpur are famous for the Nagpur orange.
4. **Yavatmal District** has a very distinct geographical location, as it is situated on the Maharashtra-Andhra Pradesh border. Some of the blocks of Yavatmal District such as Zari Jamni, Maregaon, and Ghatnaji are tribal blocks and Primitive Tribal Groups (PTGs) live in these blocks, while Pandharkawda, Yavatmal, and Ralegaon are famous for cotton production.

These four regions formed the field sites for this study and the attempt was to cover them extensively.

Sample Size

Accessibility to the village and time-line of the study were the two criteria that determined selection of the sample. The list of suicide-affected farmers' families was obtained from the District Collectorate of each district. The samples were drawn on the basis of the following decisive factors:

- Age;
- Date of suicide; and,
- Accessibility.

It was decided to take at least 50 samples from each district. However, in reality, 52 samples were taken in Akola, 51 in Amravati, 29 in Wardha, and 25 in Yavatmal. The study consisted of a total sample size of 157.

Study Tool

A structured interview-based questionnaire was developed and was translated into Marathi, the local language. To begin with, the questionnaire was tested in two villages of Akola District. Based on the results of the pre-testing, the questionnaire was further revised, fine-tuned, and then finalized. Questions pertaining to personal information were closed-ended with key variables. Information with regard to land rights and housing rights were mostly open-ended, as the responses were expected to vary from person to person. The study focuses on the status of land and housing rights of farm widows and thus the respondents were women whose husbands had committed suicide due to agrarian distress.

Three interviewers (field investigators) were selected for the districts of Wardha, Akola, and Amravati, whereas for Yavatmal District, the Watershed Organization Trust (WOTR) offered its help in collecting information and in providing assistance in the research.

Data Collection

The list received from the District Collectorate was streamlined on two counts – age of the women and geographical outreach. Prakriti, the organization conducting the study, works with farm widows in the region and has developed a list of women who have faced trauma after the loss of their husbands. Both these lists were collated and compared, and a final list was compiled for this study. A few respondents from the final list dropped out because they were unavailable or did not fit the selection criteria.

Three field investigators were involved in the entire process, one for each district, and then Yavatmal was added later and covered. The field investigators visited the household of each woman respondent to understand the context of her life and her surroundings. The surveyors took prior consent and maintained utmost confidentiality. In addition to individual interviews, focused group discussions (FGDs) were also held to develop a more nuanced understanding of the issue in an open manner and to give the women an opportunity to discuss various aspects. The study members provided an explanation of the study and obtained the consent of the women before beginning the FGDs.

This study uses the human rights framework to analyse the living conditions of the farm widows in Vidarbha. It uses UN human rights instruments on housing and land, including treaties, guidelines, declarations, and resolutions to assess the realization of the affected women's housing and land rights. This is explained in greater detail in the next chapter.

Challenges and Limitations of the Study

The study captures the experiences and narratives of farm widows from the villages of Vidarbha reported to be suffering from severe social, psychological, and economic stress in the aftermath of their husbands' suicides. The study found that various agencies, including government and non-government organizations (NGOs) as well as individuals, are involved in addressing the concerns of suicide-affected families, but with varied agendas. Most of the people/organizations that initially come to offer a helping hand disappear after providing initial support and the affected families keep waiting for promises to be fulfilled.

The study team came across a number of challenges while working on this sensitive issue. The 'farm widows' had already been through intense trauma, therefore, narrating their experiences again often proved to be a very painful exercise for them. Their distress and unease had been further aggravated by numerous visits from the government, media, NGOs, and political parties. This resulted in the women often withdrawing or refusing to divulge personal information. However, Prakriti's presence in the area and its work on the issue of rehabilitation of suicide-affected farmers' families helped in gaining the confidence of the women, making it slightly easier for them to talk about their lives and suffering.

Some of the other challenges experienced during the course of the study include:

- **Difficulty of transport and poor connectivity:** Sometimes, it was difficult to reach certain households, as the villages were located in varied directions with poor connectivity and limited means of transport.
- **Size of the villages:** It was difficult to locate some of the women respondents owing to the fact that some of their villages were quite large. Also, the people in the villages would not always give the surveyors correct directions to the respondents' homes, as they thought that the women were being sought after for relief schemes.
- **Sensitivity of the issue and follow-up:** As the issue is a sensitive one that caused the women immense psychological distress and trauma, speaking about it with the field investigators was emotionally draining. Often, this would result in silence and reluctance to open up. In such situations, it was pertinent that the interviewer gave the women the time they needed and conducted follow-up visits whenever the women would be in a position and frame of mind to engage with them.

- **Maintaining confidentiality and getting responses:** As the interviews were conducted in the homes of the respondents, it sometimes became difficult to interact with the respondent as she was surrounded by other family members who often answered on her behalf. In other cases, the presence of in-laws inhibited the farm widow from providing truthful responses, for fear of being further victimized or harassed by her in-laws and being denied her rightful share in the family property. In many instances, the field investigator had to visit the affected women when their family members were not present. The field investigators reported that some of the women were abused by their relatives, even in their presence.
- **Expectations of the women respondents:** The women respondents and their family members generally expected some form of relief from the field investigators and when it was made clear that they were only collecting information for a study, the willingness to participate and the responses were often affected.

The study reached out to 157 women affected by the tragedy of their husband's suicide. While every attempt was made to ensure that the study is objective and accurate, it has some limitations that need to be mentioned. While the focus was on women who had been denied their rightful share to land, housing, and property, there are women who have received some share in the form of residential rights, or a share in the agriculture produce. However, it was seen that even in those cases, the share received by the affected women was either unfair or unequal or not rightful or without any paperwork involved. Such cases have not been included or analysed in the present study.

Since the duration of the study was short, it was not possible to verify all the information collected by the field investigators. For instance, if the respondent stated that her in-laws' family owned eight acres of land and that her share was two acres, it was not possible for the field investigator to verify this through the official records. Thus, the study assumes that the respondent has honestly and correctly shared information with regard to such matters. In other cases, some of the respondents had absolutely no idea about the size of land or ownership details of their houses. In such cases, the field worker had to gather information from secondary sources.

Data collection was closely supervised for field investigators visiting the villages of Akola and Amravati districts but this was not the case in Wardha and Yavatmal districts due to time constraints.

4

human rights framework on housing and land

While documenting the violations of the human rights of farm widows to adequate housing and land, it is also important to highlight the legal and normative framework for recognition of these rights at the national, state, and international levels. This chapter also cites examples of positive case law from India that has recognized the right of widows to property.

Housing, one of the most basic requirements for human beings, is recognized globally as a human right. Housing as a basic human right was first affirmed by the Universal Declaration of Human Rights (UDHR) in 1948, which under Article 25.1 states:

Everyone has the right to a standard of living adequate for the health and well being of himself and his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

On the basis of the provisions established in UDHR, the right to adequate housing was elaborated and reaffirmed in 1966 by the International Covenant on Economic, Social and Cultural Rights (ICESCR), which in Article 11.1 declares that:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.²⁷

In addition, the Convention Relating to the Status of Refugees (1951); the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the International Covenant on Civil and Political Rights (1966); the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Rights of the Child (1989); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and, the Convention on the Rights of Persons with Disabilities (2006) also contain provisions that protect the human right to adequate housing.

²⁷ International Covenant on Economic, Social and Cultural Rights, General Assembly Resolution 2200A (XXI), December 1966. Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

Women's right to adequate housing, particularly, has been upheld by the Convention on the Elimination of All Forms of Discrimination against Women, which in Article 14.2 mentions that: States Parties shall undertake all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right ... (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The former UN Special Rapporteur on adequate housing defined the human right to adequate housing in a succinct manner as: "The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity."²⁸

The scope of the human right to adequate housing, as guaranteed by Article 11.1 of ICESCR, was elaborated by the United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment 4 on 'The right to adequate housing.'²⁹ The Committee established that in order for housing to be adequate, it must, at a minimum, include the following seven core elements:

- **Legal security of tenure** – All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.
- **Availability of services** – An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.
- **Affordability** – Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised.
- **Habitability** – Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.
- **Accessibility** – Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere.
- **Location** – Adequate housing must be in a location which allows access to employment options, healthcare services, schools, child-care centres and other social facilities.
- **Cultural adequacy** – The way housing is constructed, the building materials used and the policies supporting these, must appropriately enable the expression of cultural identity and diversity of housing.

These elements of adequacy have been expanded further by civil society organizations, such as HLRN, and the UN Special Rapporteur on Adequate Housing,³⁰ to include:

- **Physical security** – Every woman, man, youth and child has the right to live and conduct her/his private life in a secure place and be protected from threats or acts that compromise their mental and/or physical well-being or integrity inside or outside the home.
- **Participation** – Individuals and communities must have access to appropriate data, documents and intellectual resources that impact their human right to adequate housing.

28 Report of the Special Rapporteur on adequate housing, E/CN.4/2006/41, March 2006. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/AnnualReports.aspx>

29 General Comment 4, 'The right to adequate housing' (Art. 11.1 of the Covenant), United Nations Committee on Economic, Social and Cultural Rights, 1991. Available at: <http://www.unhcr.ch/tbs/doc.nsf/0/469f4d91a9378221c12563ed0053547e>.

30 See, Questionnaire on Women and Housing, Annex Three of the Report of the UN Special Rapporteur on adequate housing, A/HRC/4/18, February 2007. Available at: <http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>

- **Access to information** – At all levels of the decision-making process related to the provision of housing and fulfilment of the human right to adequate housing, individuals and communities must be able to express and share their views; they must be consulted and be able to contribute substantively to such processes that affect their housing.
- **Access to land, water and other natural resources** – Every community must have access to natural resources necessary for its survival and livelihood, including, *inter alia*, fuel, fodder, water and building materials.
- **Freedom from dispossession, damage and destruction** – All individuals and communities have a right to a place to live without threat of dispossession from their land, all forms of their property, their homes and resources, as well as all individual and collective holdings required to sustain livelihood.
- **Resettlement, restitution, compensation, non-refoulement and return** – The rights to resettlement and freedom of movement must be protected. Any resettlement or compensation arrangement, whatever the cause, must be consensual, fair and adequate to meet individual and collective needs.
- **Access to remedies** – Provision of domestic legal and other remedies is an important part of protecting the human right to adequate housing. Individuals and groups must be protected from abuse by landlords, property developers, landowners or any other third party capable of abusing their rights. Where such infringements do occur, public authorities should act to preclude further deprivations as well as guaranteeing access to judicial redress including legal and equitable remedies for any infringement caused.
- **Education and empowerment** – Individuals and communities should have access to technical assistance and other means to enable them to improve their living standards and fully realize their economic, cultural and social rights, and development potential.
- **Freedom from violence against women** – The state must prevent all forms of violence against women committed by either state or non-state actors to ensure women's human right to adequate housing.

The human right to adequate housing is thus integral to the realisation of the right to live with dignity, and is inextricably linked to other human rights such as the rights to land, work/livelihood, health, food, water, education, and security of the home and person.

The Special Rapporteurs on adequate housing in a series of reports on women and housing,³¹ have explored issues specifically related to women's rights to housing. While discussing the linkages between adequate housing and violence against women, the reports have acknowledged that women and children who are homeless experience particular forms of violence or are more vulnerable to them. The reports also reflect on how gender-biased customs and traditions as well as bias in the judiciary and public administration result in the perpetration of male-dependent forms of tenure. They have also drawn attention to widows and single women who face multiple discrimination in access, control, ownership, and inheritance of housing, land, and property.³² In a statement issued in 2004, the Special Rapporteur on adequate housing mentioned that: "Upon becoming widows, women are vulnerable to being denied their right to adequate housing because of the insufficient protection provided by in-laws to their right to inheritance and property for land and housing. Even where such laws exist, the predominance of cultural practices act to discrimination against women's rights to housing and land and most importantly inheritance, commonly prevent widows from having safe and secure housing."³³

While the right to land is not as clearly recognized as a human right in international law, there is growing recognition of this right in the normative framework, as well as a strong global movement calling for the recognition of the right to land as a human right.

31 See: <http://www.ohchr.org/EN/Issues/Housing/Pages/WomenAndHousing.aspx>

Also see Chaudhry, S., 'Women's Rights to Adequate Housing and Land in Urban India,' in *State of the Urban Poor Report 2015: Gender and Urban Poverty*, Oxford University Press and Ministry of Housing and Urban Poverty Alleviation, Government of India, January 2016.

32 See: 'Women and the Right to Adequate Housing', OHCHR, New York and Geneva, 2012 at: http://www.ohchr.org/Documents/Publications/WomenHousing_HR.PUB.11.2.pdf

33 Statement of the Special Rapporteur on adequate housing to the WUNRN Conference on 'Role of Conflict Widows in Healing a Hurting World,' New Delhi, 29 November 2004.

Two realities make a compelling case for building a comprehensive human rights agenda on land. The first is the significance of land for the realisation of a range of internationally recognized human rights, including the rights to an adequate standard of living, food, adequate housing, water, health, the right to enjoy one's own culture, the right to freely pursue economic, social and cultural development, equal treatment, and the right to privacy and family life. The second is the alarming extent of grave human rights violations arising from situations of land grabbing, landlessness, forced evictions and displacement, inequitable trade rules, absence of agrarian reform, commodity speculation on food products, environmental destruction, discrimination, and exclusion, whereby people are dispossessed of their means of livelihood and habitat, and land-rights advocates and activists are criminalized and persecuted.³⁴ Access to land is important for poverty reduction and development, and it is also necessary for the realization of several economic, social, cultural, civil, and political rights.

Several international human rights guidelines and documents as well as UN treaty bodies have recognized and called for the protection of the right to land. The UDHR guarantees that, "[e]veryone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property." The two core human rights covenants also recognize the principle of self-determination; namely, that people may "freely determine their political status and freely pursue their economic, social and cultural development. All peoples may, for their own ends, freely dispose of their land and resources and in no case should a people be deprived of its own means of subsistence."³⁵

The UN Declaration on the Rights of Indigenous Peoples clearly recognizes their right to land, as an integral component of their rights to survival, food, culture, identity, and self-determination.

The UN Commission on Human Rights, in its resolution 2005/25 on 'Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing' explicitly states "that the impact of gender-based discrimination and violence against women on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing is acute, particularly during complex emergency situations." It further recognizes that "laws, policies, customs, traditions and practices that act to restrict women's equal access to credit and loans also prevent women from owning and inheriting land, property and housing and exclude women from participating fully in development processes, are discriminatory and contribute to increasing the poverty of women and girls." It also affirms that "discrimination in law and practice against women with respect to having access to, acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human right to protection against discrimination and may affect the realization of other human rights." The resolution encourages governments to support the transformation of customs and traditions that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing, to ensure the right of women to equal treatment in land and agrarian reform as well as in land resettlement schemes and in ownership of property and in adequate housing, and to take other measures to increase access to land and housing for women living in poverty, particularly female heads of household, including through access to housing subsidies. It further calls upon states to urgently address discrimination, inequality and historical injustices experienced by women in vulnerable situations to secure their equal ownership, access to and control over land, and equal rights to own property and to adequate housing.

The interpretive work of the UN treaty bodies have further contributed to emerging jurisprudence regarding human rights and land. A number of General Comments and Concluding Observations following the review of states by CESCR have reflected concern about natural resource exploitation, forced evictions, and land grabbing, among other issues. The Committee on the Elimination of Discrimination against Women (CEDAW) has also issued jurisprudence

³⁴ 'Seeding Hope? Land in the International Human Rights Agenda,' International Network for Economic, Social and Cultural Rights (ESCR-Net), New York, 2014. Available at: <http://globalinitiative-escr.org/wp-content/uploads/2012/05/Seeding-Hope-English.pdf>
Also see, The Right to Land, Europe – Third World Centre (CETIM), Geneva, 2014. Available at: <http://www.cetim.ch/wp-content/uploads/Right-to-land-A42.pdf>

³⁵ Ibid.

related to land, and the Human Rights Committee has established, in several rulings, that the issue of access to and rights over land also implicates a range of civil and political rights.³⁶

The CEDAW General Recommendation No. 34 on the rights of rural women³⁷ draws attention to the fact that rural women disproportionately experience poverty and exclusion. They also face systemic discrimination in accessing land and natural resources. The General Recommendation also elaborates how rural women and girls are disadvantaged by practices such as inheritance of ancestral debt, which perpetuates cycles of poverty, and by discriminatory stereotypes and related practices that prevent them from enjoying rights over land, water, and natural resources. The General Recommendation provides guidelines to state parties to pay special attention to customary systems that often govern land management, administration, and transfer, particularly in rural areas, to ensure that they do not discriminate against rural women.

The Food and Agriculture Organization's (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security seek to "improve governance of tenure of land, fisheries and forests for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and the progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development."³⁸ The Guidelines stress the importance of the "governance of tenure as a crucial element in determining if and how people, communities and others are able to acquire rights, and associated duties, to use and control land, fisheries and forests."

Despite international legal protections, women face discrimination and severe obstacles in the realisation of their rights to adequate housing, property, land, and inheritance in India.

National Legal Framework

The Constitution of India recognizes and protects the fundamental rights of all Indians without discrimination. These legal protections apply to widows as well and include their right to life, right to equality, right to freedom of movement and residence, and the right to live with dignity.

THE HINDU SUCCESSION ACT 1956

The Hindu Succession Act 1956,³⁹ a law with some progressive provisions, failed to achieve gender equality in a substantial way. It could not bring women at par with men with regard to property rights. A movement for its amendment was thus launched. Land and property law reform began in Kerala, which was the first state to abolish the Mitakshara joint family system in 1976 by way of the Kerala Joint Family System (Abolition) Act, and launched a direct attack on the right to joint family property by birth. Kerala had a matrilineal system of joint family ownership that has gradually been eroded and abolished. Other states followed suit by giving daughters (unmarried at the time the amendment was implemented) an equal share as sons in the joint family property. While other states retained the Mitakshara joint family system, they made daughters equal co-parceners in their father's ancestral property. The Andhra Pradesh Hindu Succession (Amendment) Act came into force in 1986 followed by Tamil Nadu in 1990, and Maharashtra and Karnataka in 1994. These were all identical amendments.

³⁶ Ibid.

³⁷ Committee on the Elimination of Discrimination against Women, General Recommendation No. 34, CEDAW/C/GC/34, March 2016. Available at: http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf

³⁸ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security, Food and Agriculture Organization, Rome, 2012. Available at: <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

³⁹ The Hindu Succession Act 1956. Available at: <http://revenue.tripura.gov.in/sites/default/files/hindu-succession-act-1956.pdf>

Schedule 1 of the Hindu Succession Act 1956, categorizes widows as Class I heirs to the intestate property.⁴⁰ This includes the widow/s of the deceased male Hindu, widow of the pre-deceased son, and widow of the pre-deceased son of a pre-deceased son. Father's widow and brother's widow are also included as Class II heirs to the property. The Act further provides that the intestate property shall be divided in a manner so as to ensure that the widow takes one share of the property. If there is more than one widow, they shall together take one share of the property.⁴¹ Moreover, property inherited by the widow by virtue of this law is absolute in nature and not conditional or restrictive.⁴²

THE HINDU SUCCESSION (AMENDMENT) ACT 2005

The Hindu Succession Act 1956 was finally amended in 2005⁴³ to include daughters as co-parceners to the Hindu joint family property. Section 6 of the amended Act is of particular interest, as it states that sons and daughters now have equal rights as well as liabilities as co-parceners in joint family property. These shares that they have as co-parceners cannot be willed away by their father.

Additionally, Schedule I of the Act which lists Class I heirs, was also amended to include the children of pre-deceased children, down to two generations, for both sons and daughters.

THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT 2005

This Act⁴⁴ recognizes financial discrimination and denial of financial rights as violence. This means that if a woman is denied her rightful share to property or is harassed by family members over financial matters, it is considered violence and she can seek redress under this law.

In pursuance of this right, Section 3 of the Act defines "economic abuse" as:

- a) Deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, *stridhan*, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;
- b) Disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to

40 Schedule 1, Hindu Succession Act 1956, "HEIRS IN CLASS I AND CLASS II: CLASS I: Son; daughter; widow; mother; son of a pre-deceased son; daughter of a pre-deceased son; son of a pre-deceased daughter; daughter of a pre-deceased daughter; widow of a pre-deceased son; son of a pre-deceased son of a pre-deceased son; daughter of a pre-deceased son of a pre-deceased son; widow of a pre-deceased son of a pre-deceased son. CLASS II: I. Father. II. (1) Son's daughter's son, (2) son's daughter's daughter, (3) brother, (4) sister. Class III. (1) Daughter's son's son, (2) daughter's son's daughter, (3) daughter's daughter's son, (4) daughter's daughter's daughter. IV. (1) Brother's son, (2) sister's son, (3) brother's daughter, (4) sister's daughter. V. Father's father; father's mother. VI. Father's widow; brother's widow. VII. Father's brother; father's sister. VIII. Mother's father; mother's mother. IX. Mother's brother; mother's sister. Explanation: In this Schedule, references to a brother or sister do not include references to a brother or sister by uterine blood."

41 Section 10, Hindu Succession Act 1956, "The property of an intestate shall be divided among the heirs in class I of the Schedule in accordance with the following rules: Rule 1- The intestate's widow, or if there are more widows than one, all the widows together, shall take one share. Rule 2- The surviving sons and daughters and the mother of the intestate shall each take one share. Rule 3- The heirs in the branch of each pre-deceased son or each pre-deceased daughter of the intestate shall take between them one share. Rule 4 - The distribution of the share referred to in Rule 3 - (i) among the heirs in the branch of the pre-deceased son shall be so made that his widow (or widows together) and the surviving sons and daughters get equal portions; and the branch of his pre-deceased sons gets the same portion; (ii) among the heirs in the branch of the pre-deceased daughter shall be so made that the surviving sons and daughters get equal portions."

42 Section 14, Hindu Succession Act, 1956, "(1) Any property possessed by a Female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner. Explanation: In this sub-section, "property" includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever, and also any such property held by her as stridhana immediately before the commencement of this Act. (2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property."

43 The Hindu Succession (Amendment) Act 2005. Available at: http://www.hrln.org/admin/issue/subpdf/HSA_Amendment_2005.pdf

44 The Protection of Women from Domestic Violence Act 2005. Available at: <http://ncw.nic.in/acts/TheProtectionofWomenfromDomesticViolenceAct2005.pdf>

use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her *stridhan* or any other property jointly or separately held by the aggrieved person; and,

- c) Prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household.

Section 17 of the Protection of Women from Domestic Violence Act 2005 outlines the right of a woman to reside in a shared household. It states that, "Every woman in a domestic relationship shall have the right to reside in the shared household, whether or not she has any right, title or beneficial interest in the same."

The Women Farmers' Entitlements Bill 2011, proposed a number of features to safeguard the rights of women farmers. Section 3 of the Bill provided for the issuance of a 'woman farmer certificate' by an authorized officer of the *gram panchayat*, which would be accepted for establishing the status of a person as a woman farmer in judicial proceedings. However, the Bill was not passed by Parliament and consequently, lapsed.

MAHARASHTRA STATE LAWS

Maharashtra is governed by a gamut of land laws and their corresponding rules, such as the Maharashtra Land Revenue Code 1966; the Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules 1971; the Registration Act 1908; and, the Transfer of Property (Amendment) Act 2002. The Maharashtra Government, vide resolution dated 20-11-2003, has provided for inclusion of the names of the spouse in the revenue record of the residential premises wherein the husband and the wife are residing together.⁴⁵

INDIAN CASE LAW

If the Hindu male chooses to dispose of his property through a will or gift, even in such situations, the widow has a right to maintenance arising out of a charge in the property. In *V. Tulsamma v. Sesha Reddy*,⁴⁶ the Supreme Court of India held that it is the duty of the husband to maintain his wife even if he has no property. If the husband has property then the right of the widow to maintenance becomes an equitable charge on his property and any person who succeeds to the property carries with it the legal obligation to maintain the widow. The importance of this right is such that even if the joint property is sold and the purchaser has notice of the widow's right to maintenance, the purchaser is legally bound to provide for her maintenance. The Supreme Court stated that, "A Hindu female's right to maintenance is not an empty formality or an illusory claim but is a tangible right against property which flows from spiritual relationship between the husband and the wife.... Such a right may not be a right to property but is a right against property and the husband has a personal obligation to maintain his wife and if he or the family has property the female has the legal right to be maintained therefrom."

The recognition of the widow's right to maintenance arising out of the husband's property emerges from the social and temporal relationship between the husband and the wife by virtue of which the wife becomes a sort of co-owner in the property of her husband. If the Hindu widow is in possession of the property of her husband, she is entitled to retain the possession in lieu of her maintenance, unless the person who succeeds to the property or purchases the same is in a position to make due arrangements for her maintenance.

In *M.P. Lathika v. Jayasree Sivanand*,⁴⁷ the Kerala High Court held that the right of the widow to maintenance by creating a charge on the husband's property can be enforced by an agreement or by obtaining a decree from the civil court. In *Sitabai Narhari Rakshe v. Hari Laxman Rakshe*,⁴⁸ the Bombay High Court further clarified that the Hindu Succession Act permits the widow of a male Hindu to inherit simultaneously with the son, daughter, and other heirs specified in Class I of the Schedule. The Court further clarified that Section 14 of the Act enables widows to inherit property as absolute owners, not just with limited ownership. Consequently, the Supreme Court held, in *Jupudy*

⁴⁵ As discussed in *Jijabai Tukaram Gaikwad v. State of Maharashtra*, 2017 (3) Mh.L.J 431.

⁴⁶ *V. Tulsamma v. Sesha Reddy*, AIR 1977 SC 1944.

⁴⁷ *M.P. Lathika v. Jayasree Sivanand*, AIR 2008 Ker 112.

⁴⁸ *Sitabai Narhari Rakshe v. Hari Laxman Rakshe*, 2011 (113) Bom LR 3992.

Pardha Sarathy v. Pentapati Rama Krishna,⁴⁹ that because of the absolute nature of the right, the widow can dispose the property inherited by her in any manner whatsoever. In *Cherotte Sugathan v. Cherotte Bharathi*,⁵⁰ the Supreme Court held that the remarriage of the widow is not a ground for her losing the right to succeed to her deceased husband's property.

Additionally, the Indian Succession Act 1925, which applies to everyone except Hindus, Muhammadans, Buddhists, Sikhs and Jain citizens, also provides that the widow of a person who has died intestate, shall be entitled to one-third share of her husband's property if there are other lineal descendants and the entire property if he has left none who are kindred to him.⁵¹

Muslim widows are governed by the uncodified Mohammedan law of wills and inheritance. The widow of a Sunni Mohammedan cannot inherit any share in the husband's property through a will, unless the other heirs consent to it after the husband's death. The widow of a Shia Mohammedan may inherit one-third share of her husband's property through a will, without requiring the consent of the other heirs. When the husband dies intestate, then the Mohammedan widow is treated as a sharer to the property both under Shia and Sunni law. In such cases, the Mohammedan widow is entitled to one-fourth or one-eighth share of her husband's property, depending on whether she is childless or not.

Adopting a strong human rights-based approach to land and housing in India will be an important step in raising awareness and securing these rights for women, especially for marginalized women, including widows. This study, therefore, uses the human rights framework to assess challenges and address issues related to land and housing rights of farm widows.

⁴⁹ *Jupudy Pardha Sarathy v. Pentapati Rama Krishna*, (2016) 2 SCC 56.

⁵⁰ *Cherotte Sugathan v. Cherotte Bharathi*, AIR 2008 SC 1467.

⁵¹ Section 33, Indian Succession Act 1925.

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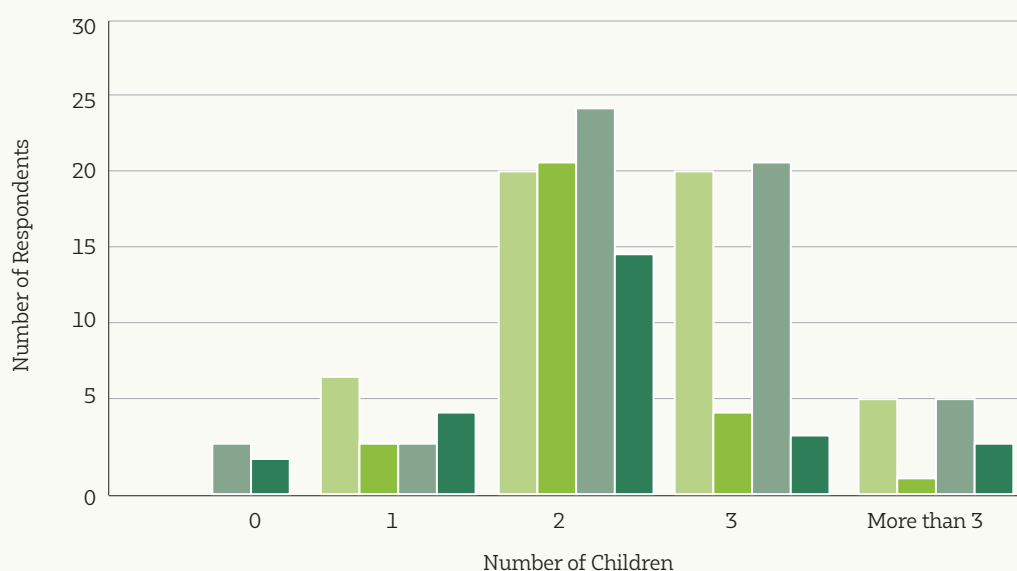
study findings and analysis

This chapter presents the findings of the study while attempting to analyse the various difficulties and challenges that a widow faces when she tries to claim her rights.

Profile of the Women Interviewed

The age of the women interviewed was between 22 years and 48 years. Most of the respondents belonged to the age group of 30-40 years. This reveals that they experience widowhood at a very young age with the responsibility of looking after young children.

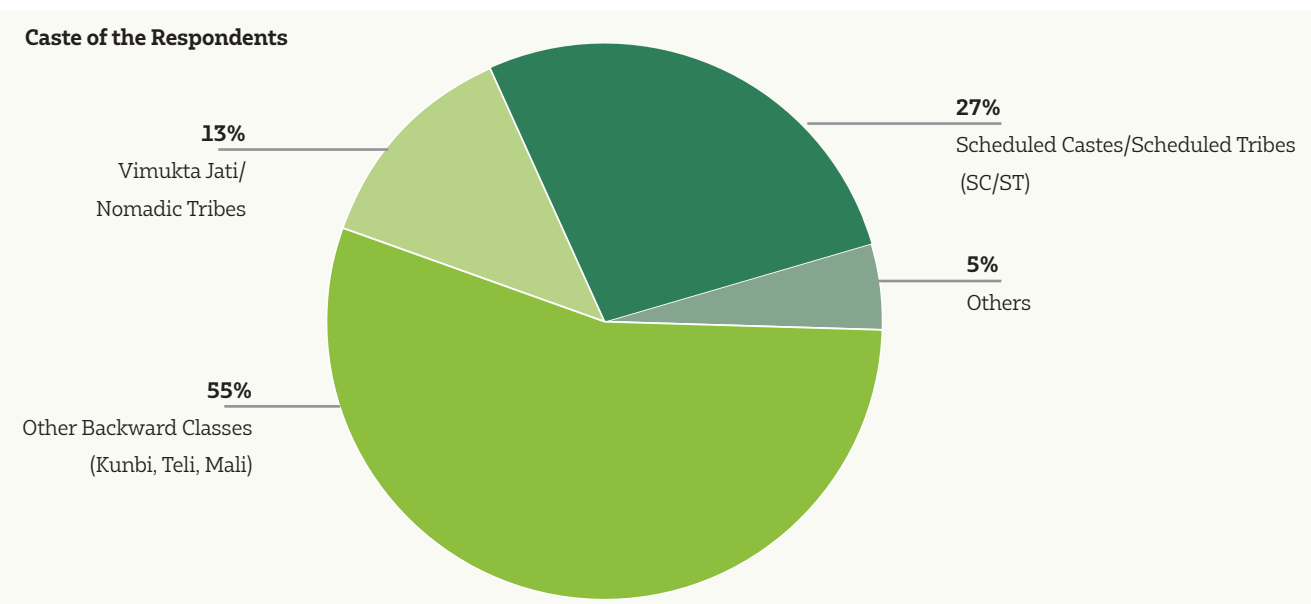
Women in the age group of 20-30 years have at least two children while respondents in the higher age group 30-40 years have more than two children. The maximum number of children among respondents was four, while there were five respondents who had no children. Seventeen women had a single child.



	0	1	2	3	More than 3
Akola	0	7	20	20	5
Wardha	0	3	21	4	1
Amravati	3	3	24	16	5
Yavatmal	2	4	14	3	2

CASTE COMPOSITION

Of the interviewed women, about 55 per cent (87) belonged to Other Backward Classes (Kunbi, Teli, Mali) while 13 per cent of the respondents belonged to Vimukta Jati/Nomadic Tribes. Only 27 per cent (42 women) were from Scheduled Castes/Scheduled Tribes (SC/ST).



EDUCATION

The literacy rate of women in the surveyed districts is lower than the state female literacy rate. Only 15 out of 157 (9.55 per cent) respondents were not literate. Sixty-seven respondents (43 per cent) had studied till high school followed by 59 respondents (37.5 per cent) who had completed their secondary education. There were 16 respondents (10 per cent) who had studied till the graduate/undergraduate level.

SOURCE OF LIVELIHOOD

Most agrarian families in Vidarbha have a small piece of land and a house. Both land and housing are sustenance assets, as they provide livelihoods and physical and economic security to the family, especially women.

Working as daily wage labourers in agricultural fields was the most significant source of livelihood for the affected women. As many as 119 (76 per cent) respondents reported working on other farms for wages. Some of them also work in their own fields for a few days in a month but most women were employed in others' farms.

Tailoring was the only other alternative source of income, which 17 respondents (11 per cent) were engaged in. Nine (5.73 per cent) respondents were working as *anganwadi* (crèche) workers/ASHA (Accredited Social Health Activist).

MONTHLY INCOME

Most of the women were unable to answer the question relating to their monthly income, as they have no fixed income and it varies from season to season. In the peak agricultural season, their income increases, as wages are better and more work is available. During the lean period, they are dependent on pension and support offered by relatives and friends.

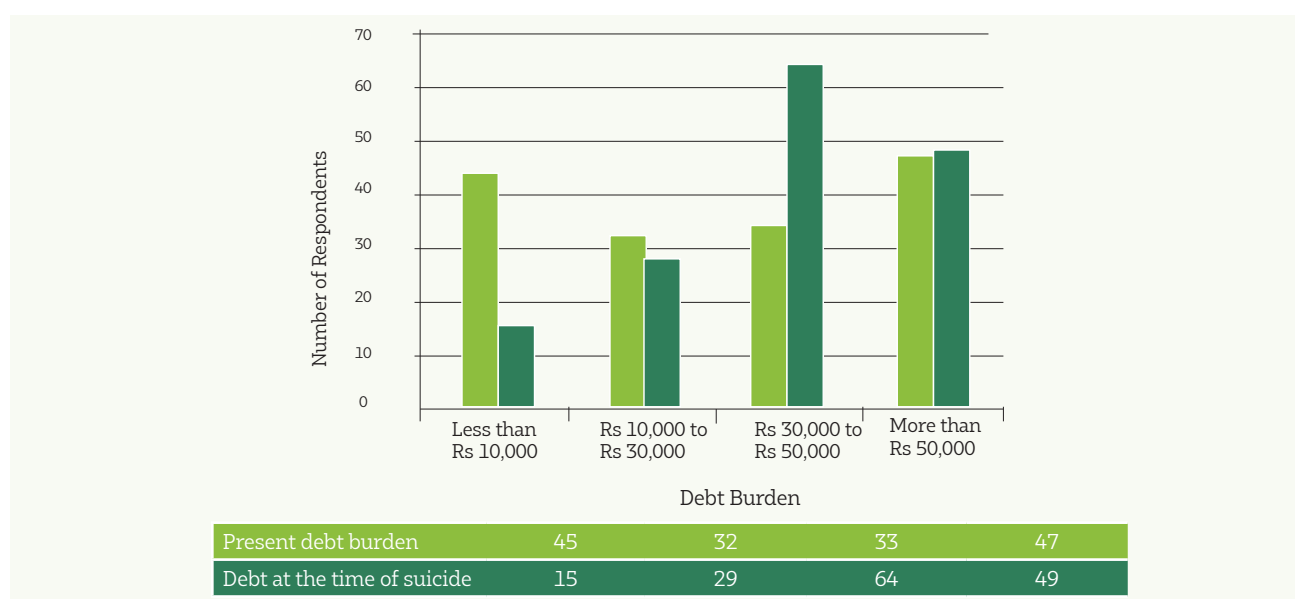
However, the average monthly income of the respondent family, taking into consideration pension, interest earned from fixed deposits (received as part of a relief package to some families), wages, and scholarships is around Rs 2,000 to Rs 4,000. Some respondents also reported earnings as low as Rs 1,000 per month.

DEBT BURDEN AT THE TIME OF SUICIDE

All interviewed women agreed that there was a debt burden at the time of suicide of their husbands. The minimum debt reported was Rs 10,000. Forty-four per cent of the respondents (69) reported having a debt between Rs 30,000 and Rs 50,000 while about 45 per cent of them (70) respondents said that their debt ranged between Rs 100,000 and Rs 300,000. By comparing the debt burden and monthly income, it can be observed that the monthly income of the respondents is insufficient to repay the debt. In a number of cases, in addition to the old debt, the women reported having incurred additional debt, as they have had to take loans in order to meet their day-to-day living expenses.

The women are trapped in a vicious cycle of indebtedness, spanning two-three credit cycles. In order to repay their old debts, they take new loans, and thus find it difficult to break out of this debt cycle.

Comparison between Present Debt and Debt at the Time of Suicide



SUPPORT RECEIVED BY RESPONDENTS AFTER THEIR HUSBAND'S SUICIDE

It is common knowledge that families of farmers who have committed suicide are given relief in terms of subsidy and some cash. However, all families are not considered equally eligible to benefit from these state schemes. The table below shows the kind of support received by the women respondents after the suicide of their husbands.

Women Respondents who Received Support after their Husband's Suicide

Nature of Support	Akola District	Wardha District	Amravati District	Yavatmal District
Loan Waiver	2	--	--	1
Service/Employment	0	--	2	--
Scholarship to Children	0	1	1	3
Ration Card	5	5	19	8
Housing Scheme	1	--	5	5
Irrigation Support	1	--	--	--
Pension (Sanjay Gandhi Niradhar Yojna)	26	5	23	7
Bal Sangopan Yojana ⁵²	8	--	--	--
Other	9	18	1	1

The above table is based on the responses received by the field investigators. The table, however, is incomplete, as many of the widows were not aware of the schemes/benefits, as it is mostly the eldest male member of the family who processes the documentation while the widow is a mere signatory.⁵²

⁵² Bal Sangopan Yojna is a state-supported scheme for the welfare and education of children. Children of suicide-affected farmers are mentioned as beneficiaries under this scheme.

While data related to the schemes accessed by the farm widows varies from district to district, the pension scheme is seen to be the most commonly accessed. For loan waivers, the guidelines established by the state government do not enable the provision of an umbrella cover to all cases of farmer suicide. Factors such as educational qualification and literacy level of widows impacts their ability to complete the documentation necessary for accessing state benefits. Various factors—social, legal, cultural, and administrative—contribute to preventing farm widows from accessing their entitlements, and further result in violations of their human rights.

Based on an analysis of the interviews, focused group discussions, and data collected from the affected women, the study reveals the following major findings.

Subjugation, Stigma, and Suffering of Farm Widows

The life of a widow in India is marred by a number of difficulties, which are further aggravated when she lives in her marital household without her husband. After the death of her husband, the status of a woman in the household is lowered and she is generally perceived by society and family members as a 'burden.' Often, she is subjected to insults, suffering, and subjugation. Most of the study respondents shared experiences of extreme discomfort and humiliation, which they had to endure after their husband's death.

Women also reported how they were shunned by family elders and in-laws when they asked for their share to the house or land, on the pretext that a house cannot be broken into pieces. When faced with such situations, many women resorted to silence and did not insist on their rightful share, as they did not want to bear the blame of dividing the family house and being called names. One woman said, "I am bearing enough blame, and do not have the courage to take on more."

Many women convinced themselves that since they were given the right to reside in the marital house, it equated to getting a share in the property, and thus did not ask for more. This was also the response given to the widows by their families when they asked for their share to their husband's house/land. They reported being continuously subjected to a number of insults. As a resident from Akola narrated, "Even though we have been given a separate room to dwell in, the use of bathrooms and water sources are joint, leading to constant bickering and harassment."

Violence against Children and Denial of their Share

In a considerable number of cases, it was reported that if the widow demands her share to the marital property, the safety of her children was put at risk. Fifteen per cent of the respondents said that when they went to work leaving their children at home, they were anxious about their well-being since the children were often beaten up by family members, not given food, or made to work.

In cases where respondents had daughters, they reported being humiliatingly questioned as to why and for whom they needed the house or a share to the property, as their daughter/s would leave home after marriage. The argument put forth was that such assets were to be retained in the family by the male members and could not be parted with. As mentioned in the earlier part of this report, most of the respondents have young children, and this was used as an excuse by their in-laws that the children's entitlement, if at all, would be given only when they became adults.

These arguments are not supported by law and have been put forth to keep the woman from asking for her rightful share to her marital property.

Violation of Housing and Land Rights of Farm Widows

The findings of the study reveal that women are given a share in the produce or some money as tokenism but not rights to ownership or complete access to the family land or house. Two of the women interviewed from Amravati District claimed to have received their share of the land from their marital household after fighting hard for it, but reported that the share received was not sufficient to live independently. Gaining access and rights to property is

certainly a step forward, but to cultivate land and to earn from the cultivation is extremely difficult for farm widows. In addition, society and family members do not provide any help or support to the women.

In some families, the agricultural land is located at two or three different sites. The productivity of the land also differs due to the availability of irrigation facilities in the area, fertility of the soil, and other factors. In some cases, women reported being offered the most unproductive piece of land without any irrigation facilities or feasibility for cultivation. In such cases, they preferred to withdraw their demand for their share of the land rather than accept uncultivable land.

In families where the widow continued to stay with her in-laws, she did not ask for her share to the land/property, as she believed that a roof over her head was more important than her right. These incidents reveal the constant state of insecurity that a widow lives in.

As most of the women respondents had not received their share of the marital property, they recounted how the older men and women in the family snubbed them when they asked for it. They were generally told that since they had been given their share of the agricultural yield, there was no question of giving them anything more. Some respondents reported feeling vulnerable and, therefore, refrained from demanding more than their share of the crop yield.

A woman interviewed for the study narrated her experience, which also reveals the internalization of certain patriarchal values, "Land can be broken into pieces and cultivation is possible even on a small piece of land and some yield can be expected from the small piece. But a house cannot be broken into pieces, thus if I demand my share to the house, either it will be denied or I will need to compromise and accept whatever is offered."

Patriarchal Stronghold on Land and Housing Ownership

Most of the respondents (88 per cent) reported that at the time of their husband's suicide, they were staying with their in-laws and husband in the family house, revealing their high dependency on the joint household and common pool of resources.

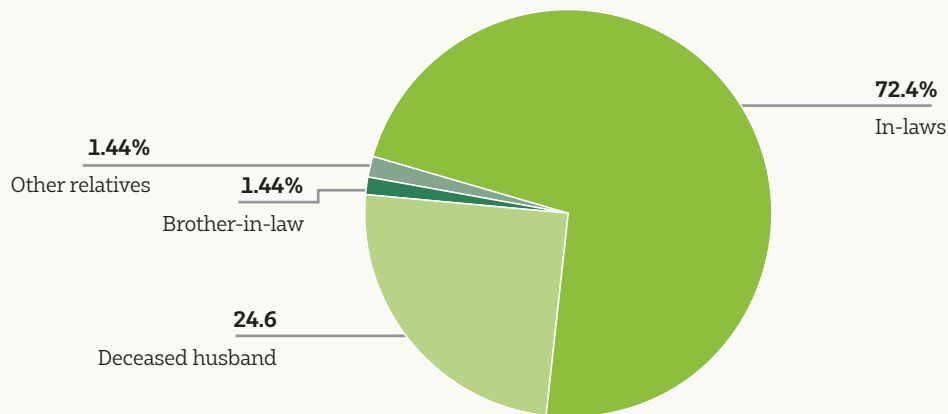
Agricultural land in Maharashtra is generally held by the eldest male member of the family and unless there is a demand for partition or unless the member dies, no legal procedures for transfer of this land are followed within the family. The very idea of a widow asking for her rightful share to the land or the house is, therefore, normally dismissed by her in-laws.

In households where there has been no division of land, the patriarchal head, be it the father-in-law or the oldest brother-in-law, offers very little of the share of agricultural produce to the women, even though, in many cases, the widows do a lot of the strenuous labour and work in the fields for long hours.

A woman from Chandur Taluka in Amravati district reported that she is tired of putting up a fight for many years. After her husband's death, she began working as an agricultural labourer and moved to her parents' house when her in-laws behaviour became insufferable. She asked her in-laws for her share to the property, but they dismissed it by asking who she needed it for, her children were very young and they were still grieving the loss of their son. Her brother-in-law, too, said that she should be content with the share in the yield that she received and not expect anything more.

As seen in most agrarian families in India, agricultural land is transferred from one generation to another, as per the Hindu Succession Act. Mostly, the title is transferred after the death of the owner, or when there is dispute in the family over property, or when the heirs demand their share. In the case of a farm widow, after the death of her husband, she is the legal heir to the property. However, the in-laws do not consider her as heir and refuse to give her rightful share.

Ownership of Land



The survey reveals that among many respondents, the size of the land plot is small (less than five acres) and the heirs are more than two. As per the state law to protect land fragmentation, land fragmentation is allowed up to two acres only. In such cases, however, the heirs can cultivate and share the yield by mutual agreement. But this is also not allowed for farm widows. They are thus totally alienated from their right to land and land ownership.

Social Alienation and Ostracism

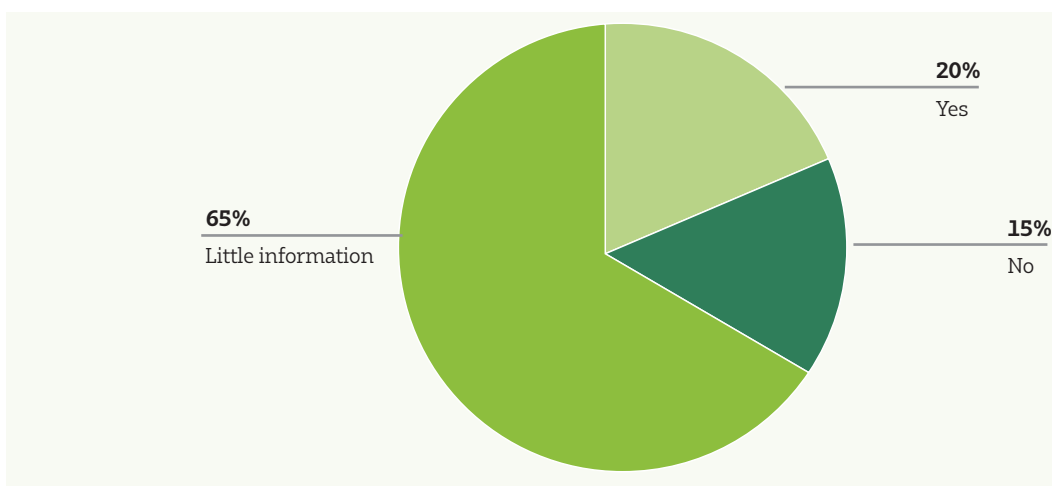
The few widows who have, after a difficult struggle, managed to get a share of the marital property or rights to the marital home, reported a complete breakdown of family ties. Their relationship with their in-laws is strained to the point where they are not included in or invited to family gatherings and events. They face social ostracism and their ties, even with their extended family, are often severed. They are thought of as being a 'bad influence' on other women of the family and nobody wants them around. The fact that they have asked for their share of property becomes a major marker of their identity and, in turn, their integrity is also questioned.

In such an atmosphere of insecurity and vulnerability, it becomes difficult for these widows to sustain themselves and live a respectable life. They constantly face harassment, not only from their immediate family but from the extended family as well.

Lack of Awareness of Rights and Entitlements

The study reveals an acute lack of awareness, amongst the women interviewed, about land laws, nature of land documents, and legal procedures involved in transferring land title or including names of legal heirs.

Awareness about Property Rights among Farm Widows



The process to transfer landed property is a lengthy one and requires time. Women reported that even the village *patwari* (official responsible for maintaining land records) who is supposed to assist them in the task, questioned them about their need to get their share of the land/property.

The study also highlights many cases of widows who did not have any information with regard to their family's landholdings, property papers, or their legal or inheritance rights, resulting in them not making any attempt to secure their rights.

In Vidarbha, it was observed that informal agreements existed between brothers about property division. Land records were also unclear and no attempt was made to rectify them. In many cases, the land was not registered in the name of the deceased farmer but in his father's name. This made the process of proving and claiming rights for the farmer's widow difficult and complicated.

Many women expressed the need for greater clarity in matters relating to property papers. They asked for clear titles that could assure security to them and their immediate families. The greatest deterrent to getting a title over land is the prohibitive cost of registration. This process can be so intimidating that even women whose land is registered in their husband's names prefer to get the title in their sons' names instead of their own, to avoid expenses. Cultural norms and the lack of knowledge of legal options also compel many farm widows to take these steps.

The road ahead for farm widows to obtain secure land titles is still an uphill one, and there is an exigent need to increase legal education and awareness on these issues. As more and more women are choosing independence over the false security offered by the joint family, they also want clearer and more constructive information on government schemes and mechanisms for redress and reprieve.

Right to Freedom of Residence: Challenges

After the husband's death, the widow has to choose between living in her natal house or her marital home. It is pertinent to note that despite all the difficulties and insults the women have to endure, most of them do not leave their marital house to live with their parents. This is despite the fact that their parents are much more caring, sympathetic, and helpful than their in-laws. The widows, however, feel that they can receive support from their parents and siblings only if they continue staying with their in-laws. This reveals the deep-rooted patriarchal belief that a married woman has to stay in her marital home even if the circumstances are not in her favour.

Only four respondents left their in-laws' house to stay with their parents. While staying with their parents, they feared that they would lose their marital property rights but they preferred to lose their entitlements than to stay in their marital homes in misery.

It is important to mention that not only land but housing is also a problem in rural areas. With an increase in population and the rise in the nuclear family pattern, housing has become scarce. This also influences the decision of women to continue staying in their marital homes despite the problems they face.

The study, however, does bring to light the stories of some women who are aware of their rights and are fighting, against all odds, to claim their rights. They are also the ones spreading awareness about women's rights in the village, including the need for women to come together and challenge patriarchal traditions.

After her husband's death, a woman from Patur Taluk in Akola District, reported that she moved to her parents' home and began working as a daily wage labourer. Once in the safety net of her parents, she began demanding her share to the marital property from her in-laws who dismissed her request saying that only after their death could she dream of getting her share. After complying initially, she persisted with her demand. With her brother's help, she is collecting the documents to assert her legal right. She is determined to get her rightful share of one-and-a-half acres from her in-laws and says that she will go to any extent for that. Such incidents were few but emerged as encouraging examples of women moving forward with the support of their natal families.

6

response to the crisis in vidarbha

The study confirms that after their husbands' death, the first line of support for the farm widows is generally from their parents and siblings. Such assistance, though, is mostly short-lived and insufficient as poverty, personal priorities, and distance serve as barriers to sustained support over a period of time. The government's relief packages, too, provide benefits for a short time. In many cases, the intensity of loss and grief resulting from the sudden death of her husband, prevents a woman from undertaking the extensive administrative and paper work required to gain state support.

Responses of Women Regarding Help Sought and Support Received

Most women interviewed for the study reported the significant support received from parents and brothers, especially in terms of monetary assistance. One respondent mentioned that her elder brother-in-law had helped her to get her widow pension, ration card, and other benefits. She felt he was providing this support in order to avoid giving her share of the family property. Four respondents, who have no children and are young, reported being neglected by all members of the marital family on the presumption that they would be remarried and thus did not need any support.

About 10 per cent of the respondents who are middle-aged and educated said they had gone to the *gram panchayat* office and *tehsil* office and done all the documentation and paper work themselves. One respondent said that her younger sister had helped her as she was educated and also helped take care of her children when she had to go to work.

With regard to life insurance policy benefits, none of the respondents could claim them, as suicide is not covered. It is, however, important to note that only 5–10 per cent of the respondents said that their husband had a life insurance policy.

The *village sarpanch*, *patwari*, and *gram sevak* are the important functionaries in a village and play an important role in paper work processing. While 30 per cent of the respondents mentioned that these officials helped them with the documentation, 70 per cent of the women interviewed for the study reportedly did not receive their assistance.

Intervention by the Central and State Governments

In 2006, the Government of India identified Maharashtra as one of the regions with high incidence of farmer suicides. In order to mitigate the distress of farmers, the government announced a special rehabilitation package. The package aimed to provide debt relief to farmers, improve supply of institutional credit, improve irrigation facilities, and employ experts and social service personnel to provide farming support services. The government also appointed committees to inquire into the reasons for the high rate of farmer suicides and agrarian distress. The Krishak Aayog (National Farmers' Commission) visited all suicide-prone regions in 2006 and published three reports with its recommendations.

The government also announced ex-gratia cash assistance for farmers from the Prime Minister's National Relief Fund. It created special credit vehicles for the Vidarbha farmers in the amount of Rs 12.75 billion (Rs 1,275 crore) with special teams comprising National Bank for Agriculture and Rural Development and banks deputed to ensure that fresh credit starts flowing to all farmers of the region. The government also offers direct agricultural loans to distressed farmers families under the Kisan Credit Card scheme.

While these were some efforts of the central government, the Government of Maharashtra set up a dedicated mission called the Vasantao Naik Shetkari Swawlamban Mission, based in Amravati. It also passed the Money Lending Regulation Act 2008 to regulate private moneylending to farmers. The law set maximum interest rates on loans to farmers, slightly above the moneylending rate of the Reserve Bank of India, and also covered pending loans. The state government also announced financial provisions for community marriages. It also appointed *anganwadi sevikas* to help women fill forms and collect necessary documents.

Despite the existence of these government schemes, farm widows have not been able to receive the support they require. They especially need assistance in dealing with administrative procedures, completing paper work, and collecting documents. Since many of the women have been confined to their homes, they are not comfortable going to government offices alone and interacting with officials. The dependency of the women on others often increases the time taken to get the work done, and they also reported occasions when they were taken advantage of or cheated.

Those women who are living with their parents have to travel to their marital villages for completing the paperwork. This is inconvenient and often not feasible for them; thus, after one or two visits, they give up. It is, therefore, necessary to bring these women under the umbrella of government schemes by organizing camps and awareness campaigns.

7

recommendations and conclusion

The findings of this study—that covered 157 women—confirm that farmer suicides in Amravati, Akola, and Wardha districts of Vidarbha can be attributed to severe agricultural distress. Lower and middle class smallholder farmers found themselves trapped between enhanced aspirations generated by newfound agricultural technology, the promise of cash crop cultivation, climatic disasters, and rising debt allied with the inability to repay agricultural loans. Suicides among large and medium farmers were also occurring as a result of failure in business and trade.

Such cases are consistent with the argument that suicide is an effect of individualization where the process of socio-economic 'estrangement' from agrarian communities experienced by rural producers in the context of rapid economic growth, made them end their own lives. Such acts can, therefore, be attributed to a combination of social and economic factors.

In view of the dire consequences of the agrarian crisis and resulting suicides, especially on the farm widows and their rights to housing, land, property, and inheritance, this study puts forth the following suggestions and recommendations that could help in providing relief to the affected widows and enable them to gain access and realize their legitimate rights to housing, land, property, and inheritance.

Recommendations for the Central Government

SPECIFIC RECOMMENDATIONS FOR WIDOWS' RIGHTS:

- Develop, review, amend, and implement laws, policies, and procedures to prohibit and eliminate all forms of discrimination against widows in India. Review legal and regulatory frameworks to ensure that equal rights of widows are clearly specified and enforced.
- Ensure administrative reform processes—at the local, state, and national levels—in the interests of farm widows related to property and land entitlements, with the aim of ensuring their access to and control over housing, agricultural land, property, and inheritance.
- Carry out human rights education and training of concerned officials on women's rights, with a focus on sensitizing them to issues of farm widows' and to enable them to address cases of pension, housing, agricultural credit, and ration on a priority basis.
- Supervise, and strengthen mechanisms to ensure that farm widows are not made vulnerable to and further exploited by human trafficking, as reported in the Kadiri area of Anantpur District in Andhra Pradesh.

- Create awareness and work to eliminate the injustice with regard to inheritance issues faced by children of deceased farmers by enacting and enforcing legislation that guarantees equal rights for succession and inheritance for girls.

GENERAL RECOMMENDATIONS ON WOMEN'S RIGHTS:

- Recognize women as farmers, and carry out gender-based human rights agrarian reform. This would include facilitating women's access to credit, agricultural implements, secure tenure, and promoting and recognizing collective farming and collective land rights by women's groups.
- Effectively implement the Mahatma Gandhi National Rural Employment Guarantee Act to ensure that women are able to get fair wages, including during lean periods of agriculture.
- Create awareness about the Right to Information Act 2005, so that all affected women can know if they are eligible for benefits under certain schemes. This would help empower women and help eliminate agents or middlemen, who often mislead and cheat women with false promises.
- Promote awareness and education on relevant laws and women's legal rights with respect to tenure, land ownership, and inheritance.
- Implement all international guidelines and standards, including recommendations by UN treaty bodies and Special Procedures, related to the rights of women.

Recommendations for the Government of Maharashtra

SPECIFIC RECOMMENDATIONS FOR WIDOWS' RIGHTS:

- Establish counselling centres and provide psychological, and where required, clinical counselling to widows to help them handle their distress and depression.
- Promote skill-building and education programmes for farm widows. Give training and support by the block and district agriculture office to widows who wish to cultivate their land.
- Use platforms like *anganwadis* and ASHAs to eradicate socio-cultural gender discriminatory practices with respect to farm widows. Motivate farm widows to be part of self-help groups/joint liability groups and link them with schemes and programmes of Mahila Aarthik Vikas Mahamandal (MAVIM).
- Sensitize and activate District Legal Service Authorities (DLSA) in all affected districts to take special measures to assist farm widows in asserting and securing their legal right to land and agricultural yield, and provide free legal counselling and aid to widows.
- Promote human rights education and awareness, at multiple levels, to challenge patriarchal notions and to remove cultural taboos and social stigmas associated with widowhood.

GENERAL RECOMMENDATIONS ON WOMEN'S RIGHTS:

- Support community projects, policies, and programmes that aim to remove barriers to women's rights to adequate housing, land, property, inheritance, agricultural and economic resources, infrastructure, and social services.
- Organize legal awareness camps in villages, which will provide information in rural areas about legal provisions for ownership of land by women.
- In agrarian households, encourage women to take active part in cultivation and decision-making. Women from these families should be made aware of various schemes and available facilities including crop loan, Kisan Credit Card, crop insurance, subsidy, and land records.

- Record women's share of land at the village level. Ensure that *gram panchayats* maintain property records, which are mandatory, and mention the name of the husband and wife on the house tax receipt, as required.
- Create schemes for social security for women.
- Encourage and support women's groups for collective farming by women. Encourage pooling of resources through women farmers' collectives.⁵³
- Include women in decision-making bodies at the village level, such as *Jati Panchayat*. Ensure the full participation of women in all decision-making processes and ensure that at least 33 per cent reservation of women is implemented in all local governing bodies.

In addition to recommendations proposed to the central and state governments, the study authors would also like to suggest that civil society organizations, farmers' movements, and women's rights organizations work together to raise the important issues of farm widows and to ensure the removal of legal, social, and cultural obstacles to the realization of their human rights, including to adequate housing, land, property, and inheritance.

Conclusion

This study has attempted to highlight the difficult reality of the farm widows of Vidarbha, who in the aftermath of their husbands' deaths, suddenly have to assume multiple responsibilities, including repaying debts, taking care of bereaved children and other family members, farming and cultivating land, and struggling for their own survival amidst conditions of stigma, social ostracism, discrimination, and denial of rights.

Given that farming is the only source of livelihood for most of these families, the widows need to take up cultivation, generally on land belonging to others, as there is no other source of income. In many families, however, widows are not allowed to practice farming. In most cases, the real intent behind this rationale is the unwillingness of the family to give any kind of farming work to the widow for the fear that she may claim her share of the family-owned land and agricultural yield. As a result, some widows continue to live at the mercy of their extended family, including fathers-in-law and older brothers-in-law. On the other hand, as this study highlights, many more widows are beginning to work as farm labourers on land owned by others outside their families. Alienation from agricultural land and the family house contribute to making widows and their children feel more vulnerable. They are also deprived of their rights to subsidized food grains and to avail of government schemes, especially if their names are not registered in government records or if they change their residence or shift from one village to another.

After the death of their husbands, widows become the single parents of their children. Ensuring the safety, education, health, upbringing, and welfare of children is thus their responsibility. In this context, the global experience, especially in the case of poor households, shows that if women own and cultivate land, their children are directly benefited as are the women.

This study by Prakriti, in collaboration with Housing and Land Rights Network, while attempting to document the violations, suffering, and obstacles experienced by farm widows in realizing their human rights to land, property, adequate housing, and inheritance, has proposed recommendations to the central and state governments. Both institutions hope that the study will help promote awareness among different sections of society about the critical issues faced by farm widows and will catalyse the state to take immediate action to provide immediate redress and restitution to all farm widows, to ensure the realization of their human rights, and to prevent any further violations of their human rights.

⁵³ See, Agarwal, B., 'Are We Not Peasants Too?', Jagori, New Delhi, 2002.

annexures

ANNEXURE ONE

Interview Questionnaire

The survey was conducted based on the following questionnaire. The field investigators obtained the free, prior and informed consent of all respondents before interviewing them.

1. Personal information			
a)	Name		
b)	Age		
c)	Education		
d)	Other Skills		
e)	Number of Children	(Male : ---)	(Female : ---)
f)	Address		
g)	Contact Number		
h)	Caste		
i)	Annual Income		

2. Details about the pre- and post-suicide situation			
2.1	When was the suicide committed?		
2.2	Probable causes leading to suicide?		
2.3	What was the debt burden at the time of suicide?		
a)	< Rs 10,000	b)	Rs 10,000 – Rs 30,000
c)	Rs 30,000 – Rs 50,000	d)	Rs 50,000 and above
2.4	What were the compensatory benefits received from the government?		
a)	Loan waiver	b)	Job
c)	Educational help for children	d)	Subsidy
e)	Irrigation facilities	f)	Farming implements
g)	Any other		
2.5	What is the current debt burden?		
a)	< Rs 10,000	b)	Rs 10,000 – Rs 30,000
c)	Rs 30,000 – Rs 50,000	d)	Rs 50,000 and above

3. Information about housing

3.1 Where were you staying when your husband committed suicide?

- a) Independently with husband and children in self-owned house
- b) With in-laws
- c) With brother-in-law/s
- d) In rented accommodation
- e) With parents
- f) Any other (in case the family has migrated for a short duration)

3.2 How long did you stay in the same place after the death of your husband?

- a) A few days
- b) A few months
- c) A few years
- d) Still staying at the same place

3.3 What was the reason for leaving the house? (in case the answer to the above question is either a, b or c)

- a) In-laws asked to leave
- b) Brother-in-law asked to leave
- c) Was not treated well by the family members
- d) Did not feel like staying there after husband's death
- e) Remarried
- f) Parents took me along with them

3.4 Ownership of house

3.4.1 Who owns the house where you stayed/are staying?

- | | |
|---------------------------------|---------------------|
| a) Father-in-law | b) Mother-in-law |
| c) Brother-in-law | d) Deceased husband |
| e) Any other relative (specify) | f) NA |

3.4.2 What is the kind of ownership of the house?

- | | |
|--|---|
| a) Family house | b) House allotted under Pradhan Mantri Awas Yojana |
| c) Joint ownership/single ownership (if joint, specify name) | d) Staying at place owned by any charitable or religious institutions |

4. Information about agricultural land

4.1 Do you/your family have agricultural land? Yes/No

4.2 If yes, then what is the size of the land?

- | | |
|------------------------|----------------------------|
| a) Less than two acres | b) Two-three acres |
| c) Three–five acres | d) Greater than five acres |

4.3 Who owns the land? (legal land holder)	
a) Yourself and children	b) Father-in-law
c) Mother-in-law	d) Brother-in-law/s
e) Any other (please specify)	

4.4 In case you don't own the land, what are the problems involved in claiming your rights?	
a) There is co-ownership of land amongst family members and division of land has not yet been finalized	
b) Family does not want to give me my share	
c) The case is pending in the court	
d) I have moved away from my marital home and do not know about the land	
e) My in-laws have sold my share of land	
f) My in-laws have sold the entire land	
g) My share of land has been given to my brother-in-law, since my husband has died	
h) Any other	

4.5 If you own the land, are you satisfied with the share you get? Yes/No	
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4.6 If you are not satisfied, what are the reasons?	
a) Not received my rightful share	
b) The share of land received is infertile	
c) The share received is in another village	
d) The share of land has no means of irrigation	
e) Any other reason	

4.7 If you own land, are you cultivating the land? Yes/No	
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4.8 If you are not cultivating the land, what are the reasons?	
a) Do not know farming	
b) Cannot do it alone	
c) Have no money to invest in farming	
d) Have a very small piece of land and thus farming will not be economical	

5. Please discuss in detail your problems related to land and housing with the field investigator and also share the kind of support you require to take care of your problems.

(The above question will be the leading question for focused group discussions and the field investigators will enlist the problems and need for support.)

ANNEXURE TWO

Government Schemes for Financial Assistance for Rural Women in India

1. **Pradhan Mantri Awas Yojana-Gramin (PMAY-G):** Earlier called the Indira Awas Yojana, this scheme has existed since 1985 and aims to provide housing assistance to the rural poor, including Scheduled Castes (SCs), Scheduled Tribes (STs), freed bonded labourers, and Below Poverty Line families. The government has sanctioned Rs 81,975 crore for PMAY-Gramin. The government aims to construct 1 crore (10 million) permanent houses in rural areas by 2019 and 30 million by 2022. The scheme also plans to increase the financial subsidy per unit.⁵⁴
2. **Indira Gandhi National Old-Age Pension Scheme:** Men and women over the age of 60 years and living below the poverty line are eligible for this central government scheme, under which the central government commits to contributing Rs 200 per beneficiary.⁵⁵
3. **Indira Gandhi National Widow Pension Scheme:** Widows in the age group of 40-60 years and living below the poverty line are entitled to this scheme. This scheme is also centrally-sponsored and the central government pays Rs 200 per beneficiary.⁵⁶
4. **Sanjay Gandhi Niradhar Anudan Yojna:** This scheme is supported by the Government of Maharashtra. Widows, women victims of violence, rescued commercial sex workers, deserted women, women seeking divorce, farm widows, and destitute children are eligible for the benefit under this scheme. Monthly amount up to Rs 900 is given to the beneficiary.⁵⁷
5. **Relief Package:** The Government of Maharashtra has announced a relief package for distressed farmers. The relief package comprises cash assistance of Rs 100,000 to the family of the deceased farmer. An amount of Rs 70,000 is compulsorily kept as a fixed deposit in the bank or post office and Rs 30,000 is given in cash. If the deceased farmer was married, the package is given in the name of his wife. If the farmer was unmarried the package is given to his parents

The qualifying criteria for this relief package include:

- There should be agricultural land in the name of the deceased farmer's family.
- There should be a debt burden on the land document. The loan should have been taken from a nationalized bank.

6. **Convergence of Agriculture – Interventions in Maharashtra's Distressed Districts Programme (CAIIM):** CAIIM envisages enabling the rural poor to overcome poverty by developing sustaining means, which will help in improving their socio-economic position. The programme area includes six districts of the Vidarbha region, namely Akola, Amravati, Bhandara, Wardha, Washim, and Yavatmal. A total of 1,200 villages are covered under this programme. The target group includes rural households belonging to SC/ST, landless, labourers, rural women, small and marginalized farmers, and farmers under agrarian distress. The households will be helped through the creation of both farm-based and non-farm based livelihood options.⁵⁸

⁵⁴ More information about the scheme can be found at: <http://rural.nic.in/netrural/rural/sites/programmes-schemes-rural-housing.aspx>

⁵⁵ More information about the scheme can be found at: <http://nsap.nic.in/>

⁵⁶ For further details, see: <http://nsap.nic.in/>

⁵⁷ More information about this scheme can be obtained at: <http://akola.nic.in/Collectorate/SANJAYGANDHINJ.htm>

⁵⁸ More information about this scheme can be found at: <http://www.caim.gov.in/>

Based in Nagpur, Maharashtra, **Prakriti** works for the empowerment of rural women in the districts of central India. Since its inception in 1990, Prakriti has been focusing on strengthening women's economic, social, and political capacity-building initiatives. Advocacy on issues related to violence against women, health, livelihood, counselling, and legal aid remain the core areas of Prakriti's activities. Since 2008, Prakriti has been working for the rehabilitation of suicide-affected farmers' families in Akola and Amravati districts of the Vidarbha region.

Housing and Land Rights Network (HLRN)—based in New Delhi—works for the recognition, defence, promotion, and realization of the human rights to adequate housing and land, which involves securing a safe and secure place for all individuals and communities, especially the most marginalized, to live in peace and dignity. A particular focus of HLRN's work is on promoting and protecting the equal rights of women to adequate housing, land, property, and inheritance. HLRN aims to achieve its goals through advocacy, research, human rights education and outreach and network building – at local, national, and international levels.

The region of Vidarbha in the western Indian state of Maharashtra, is one of the worst affected by agrarian distress and resultant farmer suicides. After the death of farmers, it is the widows who have to cope with the responsibility of repaying debts, farming, and providing for their families. Widows, however, continue to suffer from stigma, deprivation, discrimination, and violation of their basic human rights. Given reports of the continued marginalization of farm widows in Vidarbha as well as the lack of documentation of their concerns, Prakriti, in collaboration with HLRN, undertook a study to assess the living conditions of farm widows, with a focus on their housing and land rights, and to understand and highlight the obstacles and challenges they encounter.

This report presents the findings of the collaborative study, which reveals the acute vulnerability and multiple violations of the human rights of farm widows, and makes recommendations to the state government to respect, protect, and fulfill their rights.



HOUSING AND LAND RIGHTS NETWORK