

LAND ACQUISITION AND ITS IMPACT ON WOMEN

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ABSTRACT

After Globalization, privatization and liberalization India has emerged as big actor in the world community in all sphere. Getting benefit of liberalization and globalization many giant companies across the world have shown interest for investment in India. They have set up many projects in different parts of country. However, these projects have not got easily established but they have faced many hurdles before getting functional. For these projects huge amount of land was required and expected amount of land was available in either the remote villages or forests where tribal and poor marginalized were residing. Although the effect of land acquisition is on every family member who have lost their land but when matter come to women it emerges that they are the most sufferers in many ways. Because in Indian society generally titles related to land belongs to male member of family and they have all the rights to use their land in their own way but the female member of the family does not have importance beside physical work because the decision of male member is dominating. Therefore, this paper will try to shed light on laws related to property rights through succession and inheritance and the impacts on women who have confronted displacement in India.

Keywords: Land, Projects, Women, Marginalized, Property

INTRODUCTION

India's independence in 1947 brings a new hope and aspiration for the Indian people. Because it opens the doors for new India and Indian people entered into the new era and different form of government from earlier, where there were huge opportunities for its people to embark on the development process. India has got freedom from century's old oppression of different oppressing powers that

begins from Muslim invaders Muhammad Bin Qasim to last English ruler. They not only destroyed the culture and governance system of then India but they looted also ruthlessly. These foreign rulers were proved as curse for the entire India because they had crushed the ambition and natural rights of Indian people. Indian was sometimes not allowed to live as per their own desire, but they were forced to follow their dictum that led to the destruction of values, culture and many other similar things.

Due to oppression and exploitation of Indian people and its resources for centuries India had lost its morale and affluence and its great values and customs got fade off over time. India at the time of independence was in tremendous poverty and there were strident differences in the society in the name of caste, creed, gender, birth and religion. Therefore after independence government through constituent assembly enacted many new provisions to address the differences of society and ensure social justice. Further it took many decisions and initiated many programmes and schemes to boost the economic development to raise the living standard of its people. Government in this duration emphasizes hugely on infrastructure development and endorses many plans, policy and institutions that were committed towards fast and sustainable economic growth of India.

GOVERNMENT'S INITIATIVE AND DEVELOPMENT

After independence Indian government adhered to the socialist pattern of development that was guided by the extensive state intervention and regulation. At the time of independence main source of income and livelihood of people was agriculture that was based on old farming system which was generating very low production therefore there was huge poverty among the peasants. Economic development indicator like per capita income and GDP were very low in comparison to some other major countries. Due to low per capita income there was little chance of saving and capital formulation for the peasants. Therefore it compelled the government and policy makers to enact laws and policies which were useful for the country and have capacity to address the situation.

However many scholars have clearly opined that during the period from 1950 to 1991, India's development was not uniform. This time period has been categorized in three phase first period was moderate regulation by the state that starts from the year of 1947 to 1968 and second period starts from 1969 to 1974 it was categorized as stringent

regulation of private and foreign companies and 1975 to 1990 has been termed as time period when economy started process of favouring private company and gradual process of liberalization.¹ In the late 1980's India's economy was not in good condition to overcome this situation, government at that time opened its economy for easily export and import of goods and services. After implementation of New Economic Policy in 1991², India attracted many foreign investors and companies to invest and install their projects and companies. For these new beginnings they expressed their wish for land and acquired huge amounts of land and governments many times facilitated it. In most of the cases land was taken from the rural farmers and tribal people who used to live in remote villages and forests and whose incomes are dependent on production from agricultural farms or forest. However, the benefits of these projects and development work was necessary and important but those farmers who have lost their land and other asset for these projects have been affected in many ways like their loss of livelihood, culture, customs, place of worship etc. and some time they are not comfortable on new place and encounter with exploitation at new place. Women specially rural and tribal women have suffered a lot after losing their land.

SOME MAJOR LAND ACQUISITION WHICH HAS CAUSED LARGE SCALE DISPLACEMENT

After independence, to boost the development Indian government started many new projects like establishment of dams, industry, large irrigation projects, hydroelectric plant, and canals to create the better infrastructure in the country. Because at that time there was huge necessity of essential infrastructure and according to situation, demand for basic physical and organization structure was high. Therefore government enforces such set-ups to contribute to the development process. In the process of such setups, huge numbers of people were displaced. Some of the developmental projects are important to discuss here. Few are as Bhakra

Nangal, Hirakud, Damodar valley, Narmada valley and perhaps as many as 5000 dams overall; integrated steel plants and associated townships in Rourkela, Durgapur, Bhilai, and Bokaro³. There are also some land acquisition projects which have generated very violent protest and vast displacement of people these are Nandigram, Singur, Kalinga Nagar, Posco and Yamuna Expressway⁴ of Uttar Pradesh.

According to an estimate, after 1947 approximately 50 million acres or about 6 percent of

the total land in the country have been converted. Millions of people possibly as many as 50 million have been displaced or adversely affected⁵. Fernandes and Thukral have claim that due to non-availability of project wise data, there is variation in number of displaced persons in planned development project from 1951 to 1990 according to old estimate number of displaced people are 11 million but it may be 18.5 million approx.⁶ No. of displaced families in some projects can be viewed from the below table.

Displacement and affected family in some important projects

Name of the Project	No. of villages affected	No. of families displaced	No. of persons displaced	Total land submerged in hectors
Balimela	89	1907	7,382	5272
Bhopalapatm	200	-	75,000	172,000
Charkaman	25	5000	15,000	-
Dhom	29	-	127,000	51,648
Hirakud	249	1636	20,000	-
Machkund	225	2406	-	9,109
Mahi	121	6795	35,000	-
Narmada Sagar	254	-	129,000	91,348
Nagarjun Sagar	-	-	28,000	28,480
Rengali	164	10,000	60,000	42,877
Rihand	700	-	100,000	-
Sardar Sarovar	237	10,758	200,000	34,867
Sri Sailam	100	20,728	100,000	432,889
Tungabhadra	90	11,684	54,454	34,936

Source:- Bala, R. (2010). Basohali, under the shadow of development. Madhya Pradesh Journal of Social Science, 15(10), 87–96.

WOMEN ASSOCIATION WITH LAND AND IMPACT OF DISPLACEMENT

There are plethora of sources which deals that women had been playing important role in farming and other similar activities from very ancient times although there have been differences about their role and level of contribution in farm related

activities. But it is well known that women have highly rendered services along with the male partner in growing the crop and maintaining the field. Some old text also discuss that women were playing important role of in ancient times.

In contemporary time women are still associated with the land, because in the rural areas farm related works are done by women with their

male colleagues. When their lands were taken for developmental projects and they were displaced, they face many challenges in coming future. Women not only lost their land but also lost their old identity; they lost their place of worship, their association with local deity, they lost their emotional attachment with the old kinship, sometimes they face huge hardship while they go to marry their son or daughter. Some women lose their earning that was possible through their own effort by selling the natural products like woods, herbs and other things in market. Health issue is also very common among women when they displaced from their old habitat to new one.

WOMEN PROPERTY RIGHTS AND PATRIARCHY

Property right to women is very crucial in present era because without property right overall development of women is impossible therefore women should must bestowed with property right. Property right to women provides a tool for their empowerment from the home to outside world. It enables them to be economically independent and socially strong.

In ancient time property rights to women were restricted to somehow in all societies. They were not entitled to property rights as equal to their male counterpart. Bishin and Cherif claimed that Muslim women enjoyed property rights centuries before women in the West, even in countries regarded as paragons of gender equality today.⁷

Halder and Jaishankar argue that Hindu women's legal right to inherit property has been restricted from the earliest times in Indian culture. However, women were not always excluded from inheriting movable or immovable property from ancestral and marital families. But their proportion of share in the property was far less than that of their male counterparts⁸.

But during course of time and dissemination of information and knowledge, mindset of societies has changed to some extent.

Due to modern education and interaction among diverse societies people has gained awareness regarding giving the property rights and equal opportunities to women and girls. They allowed women to have property and to use as per their will. But still there are huge problem still exist in society. Various government agencies, institutions and self-help group from the world wide have made effort to provide the equal rights to women and girl.

Indian government has passed many laws and regulation to provide the property right through succession and inheritance. These laws are the 1955 Hindu Marriage Act and the 1956 Hindu Succession Act that governs the Hindus. Likewise for Muslims, the 1937 Muslim Personal Law Shariat Application Act and the 1986 Muslim Women's Protection of Rights on Divorce Act governs. Similarly Christians and Parsis are governed by the Christian Marriage Act and the Parsi Marriage and Divorce Act (13).

CONCLUSION

Although the development projects are necessary for the country but proper rehabilitations and resettlement are also important for those who are losing their land. People face very bad experience after giving their land for the necessary development projects. Women are the most sufferers of these displacements because maximum numbers of women have no title right to the land therefore after losing the land displacing to new place they became totally dependent on the male members of society. Although all the communities have provided the property right through the inheritance and succession but still women are facing many difficulties while accessing the property rights. Therefore government should make adequate arrangements for the women who are being displaced irrespective of kind of projects whether it is government purposes or private purpose. Special provision should be made to safeguard the interest of rural and tribal women.

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³ Chakravorty, S. (2013). *The Price of Land: Acquisition, Conflict, Consequences*. Oxford University Press, New Delhi pp. XIV

⁴ *ibid*

⁵ *ibid*

⁶ Fernandes, W., Thukral, E.G. (Eds.). (1989). *Development, Displacement and Rehabilitation*. New Delhi: Indian Social Institute.

⁷ Bishin, G.B. and Cherif, M. F. (2017). Women Property Rights and Islam. *Comparative Politics*, 49 (4), 501-519

⁸ Halder, D., and Jaishanker K. (2008-09). PROPERTY RIGHTS OF HINDU WOMEN: A FEMINIST REVIEW OF SUCCESSION LAWS OF ANCIENT, MEDIEVAL, AND MODERN INDIA, *Journal of Law and Religion*, 24, (2), 663-687