THE LANDESA INNOVATION IN WEST BENGAL

STRENGTHENING WOMEN’S LAND RIGHTS THROUGH SELF HELP GROUPS

Context
- Women agricultural producers, despite their significant participation and contribution to farming, are not recognized as farmers in official policy, and the society is not ready to accept them as farmers in their own right. Apart from the absence of their names in land records and poor legal awareness, women also suffer from gender biases in a patriarchal land administration and agricultural service environment.

Interventions
- Building on an earlier partnership with the Land Revenue Department in West Bengal to provide land literacy training, Landesa, an international non-governmental organization (NGO), assisted the State Rural Livelihoods Mission to upscale land rights training for women’s self-help group (SHG) members and enhance their access to land related services and entitlements.
- This training enhanced women’s awareness of the land laws governing inheritance and on updating land records with women’s names. Trained local SHG leaders could digitally interact with the State portal to update their land records. Frontline land administration staff also increased their understanding of and sensitivity to women’s land rights.
- West Bengal State Rural Livelihoods Mission (WBSRLM) and Landesa have also assisted SHGs to access agricultural land through informal leases for contract farming.

Lessons
- A government-NGO partnership can enable innovation and impact at scale when the legal and institutional potential are leveraged with added capacity. The WBSRLM’s established SHG network and the state’s land digital platform combined with Landesa’s technical expertise built the capacity of SHGs. It helped women in viewing and lodging applications to update land records and add their names.
- Building local capacity can inclusively deliver critical land services at scale, sustainably. The identification of SHG leaders as lead trainers enabled the program to quickly scale up.
- Improving the gender responsiveness of frontline land administration can improve land revenue service delivery to women and enhance their land rights.
- Groups of women farmers can have better access to farmland leases than individuals.
Introduction

Women constitute about 30 percent of total rural agriculture workers (cultivator and agriculture labourers) as against 70 percent of men (Census, 2011) in India, while the same is 12 percent and 88 percent for West Bengal. However, in terms of proportion of agriculture labourer to total agricultural workers, the share is 57 percent among women and 42 percent among men in Rural India and 78 percent and 55 percent in rural West Bengal, respectively (Census, 2011). Women work nearly 3400 hours as against 1212 hours by men in a one-hectare farm annually in India (Shatakshi, 2018).

However, according to the Indian Agricultural census 2015-16, women operate only 13.9 percent (11.7 percent area) of land in India, while in West Bengal it is very low at 3.2 percent (1.9 percent area) (Gol, 2019). Women agricultural producers are not recognized as farmers in Indian official policy, and they are often denied inheritance rights over agricultural land, lack their name in the land records or mostly remain landless agriculture labourers. Additionally, 46 percent of women headed households are landless in the state, and 32 percent are agriculture labourers. The society is not ready to accept them as farmers in their own right. Rural women wanting to farm without support from male family members are also constrained by lack of access to land, even on lease. While getting land for the landless is a priority for civil society organizations, the same level of priority does not exist when it comes to women’s land rights. The initiatives lack provisions to extend their inheritance rights, provide land grant to landless women headed households, add women’s names to family land records or in terms of facilitating access to land on lease along with other applicable farm-entitlements.

About 80 percent of women in rural West Bengal are involved in agricultural activities (Landesa, 2016); 85.5 percent of women in families that operate marginal farms and 81.2 percent of women in families that operate small to medium-scale farms directly participate in agriculture (Mendel, 2012). They directly work in agricultural fields as cultivators (14 percent of women workers, Census 2011) or farm labourers (32 percent of women workers; Census 2011) without having any legal ownership over the land they cultivate/use (Gol, 2011). Without land ownership (and formal land records in their names), these women do not have legal access to entitlements linked to agricultural land—such as crop insurance and subsidized inputs. Based on an initial assessment by Landesa that found low levels of land literacy among rural women in the state, Landesa identified the need to raise their land rights awareness through legal land literacy with a focus on joint titling and inheritance rights.

Hindu women have only received their legal entitlement to inherit agricultural land in 2005 with the passage of the Hindu Succession Act Amendment (HSAA). Hindus constitute 71 percent of the population in West Bengal as per the Census, 2011 (Gol, 2011). In contrast, provisions on property inheritance in the personal laws of other religions provide comparatively unequal shares to women. A study by Deininger et al (2010) in Maharashtra and Karnataka found this amendment to have increased daughters’ likelihood to inherit land by 22 percentage points, although substantial

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1 In absence of gender column in land records, this data is not available. But as a proxy, women landholders can be considered which is only 3.2 percent (paragraph 1)
3 The Supreme Court in India decided in August, 2020, that, irrespective of the death of the father before 2005, a daughter can inherit the father’s property under the HSAA.
4 The Muslim personal law does not allow for women’s share in agricultural land, except in a few states which have recently amended this.3 Muslim women get one third of the share of the estate property, while men get two thirds of it. Under the Indian Succession Act (ISA) 1925 Christian widows get one third of the estate property and the male and female linear descendants get two thirds of it, equally divided among them. The Tribals have their own customary practices, which typically deny women their land share, again, barring a few exceptional situations.
5 This percentage point was specific to those females whose father died after the HSAA had become effective in 1994. They were 22 percentage points more likely to inherit land than those whose father died before 1994.
bias persists even after the amendment. Similarly, Choudhury et al (2017) noted comparatively higher percentages of women’s operational holdings in the states⁶ that had amended the Hindu Succession Act before 2005. Despite the HSAA, its implementation and impact has been limited, because women are still not perceived as natural inheritors of property due to their lack of awareness of land rights, poor financial resources and illiteracy about laws (Khtarat, 2017). There is also some regional variation given that land is a state subject and the diversity of local, cultural, social customs (Choudhury et al, 2017)⁷. For example, a study in four eastern Indian states⁸, including West Bengal, by Valera et al (2016) found only 3 percent of rural households have land registered under women’s names, (it was 6 percent for West Bengal) though women’s registered land ownership was found to have positive effects on their participation in decisions about farming, livelihoods and household activities.

Governments in most states have not pro-actively disseminated this information among land administration officials, resulting in a large information deficit, even within state government institutions responsible for implementation of the HSAA. The World Bank’s Land Government Assessment Framework (LGAF) National Synthesis report in this context has recommended raising awareness on the HSAA and establishing consistent monitoring and impact assessment to identify effective approaches to increase female land ownership (World Bank, 2015).

Thus, despite this progressive legislation, multiple barriers continue to face women claiming their rightful inheritance. This case study analyses a partnership between the West Bengal State Rural Livelihood Mission (WBSRLM) and Landesa⁹ to enable rural women, including tenants (those who do not own land), to secure land tenure rights and increase their access to agricultural land, markets, finance and services.

The Pilot

In 2016, Landesa partnered with the Land and Land Reforms Department in West Bengal to develop and implement a Women’s Land Literacy program to train women on land-related issues, including the government system of land governance and service availability. This training program was originally implemented as part of the Department’s Land Literacy Programs for women Patta (land title) recipients in several districts (Jana, 2018). Recognizing the need to scale up this training program, Landesa developed a partnership with the WBSRLM¹⁰, commonly known as Ananddhara, which works under the Panchayat Raj Department in the state to prepare a detailed framework for implementation of the training program through its well-established community institutional infrastructure (SHGs)¹¹. The training program aligned well with the WBSRLM’s mandate to provide economic opportunity to rural women in the state, including by increasing their access to land and related entitlements. The women were also chosen as the target beneficiaries for training, as per Landesa’s state Director¹², because their involvement in agriculture and land management has increased due to male out-migration from the rural areas.

The resulting legal literacy program on land tenure security for SHG women members was piloted in 2016, initially in two blocks of Birbhum and Malda targeting 14,000 SHGs. The objectives of the pilot were to:

- Enhance women’s understanding of secure tenure, inheritance and access to services related to land;
- Identify their interest and need for further training to recognize barriers/challenges;
- Consolidate learning from the pilot to inform the subsequent scaling up of the program;
- Identify a workable model for scaling up.

Subsequently, Landesa collaborated with the WBSRLM to develop a basic training manual and scale up this legal land literacy program to SHGs in 32 blocks of nine (09) districts, namely, Cooch Behar, Alipurduar, Jalpaiguri, Malda, Birbhum, Bankura, Purulia, South 24 Parganas and Purba Medinipur. By December, 2017, 0.22 Million SHG members had received training on secure land rights across five districts (Cooch Behar, Jalpaiguri, Malda, Birbhum & Purulia) in the state (Jana, 2018).

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⁶Viz. the southern states, Andhra Pradesh in 1986, Tamil Nadu in 1989, Karnataka in 1994 and Maharashtra in 1994 included daughters as coparceners prior to the HSAA, 2005; Kerala in 1975 also abolished joint family property altogether. In most southern states, women are allowed to inherit agricultural land, whether owned or under tenancy. (Choudhury et al 2017)

⁷The prevalence of gender discriminatory customs often obstructs women’s legal rights to land. In Punjab and Haryana, the custom of karewa has restricted widows’ rights to land resources and, instead, favors patrilineal control of land. This has also affected the Land Special Assistance Program for war widows in Punjab, Bihar, Uttar Pradesh and Rajasthan.

⁸Using a unique rural household survey from Eastern Uttar Pradesh, Bihar, Odisha, and West Bengal where female enumerators were employed to interview female participants, we find that only 3% of the 8,000 rural households randomly selected in those four states have their land registered under women’s name.

⁹Landesa is a US-based NGO working in India since 2007 with an objective to secure rights to land for women and men in rural India and have support to enhance their dignity and improve options for better livelihoods. Landesa works in collaboration with governments for improving awareness and knowledge of land systems among rural land users with constant focus on pragmatic, systemic and scalable change.

¹⁰WBSRLM is funded and steered by the National Rural Livelihood Mission (NRLM), a flagship programme of the Government of India, promotes the financial inclusion and livelihoods improvement of rural women by organizing them into SHGs and further federating SHGs at Gram Panchayat, Block, District and State level. This hierarchical institutional and collectivized structure, recognized formally, provides rural women a platform to access financial and technical benefits from government and other sources.

¹¹As of 2017, the WBSRLM had a network of 750,000 women SHG members (one SHG has around 10-12 members).

¹²As per his interview in this report: https://pulitzercenter.org/reporting/women-use-mobile-phones-maintain-land-records
Institutional Arrangement

The pilot was further scaled up by the WBSRLM starting in 2018 in 102 blocks under 22 districts, involving 421 Master Trainers and 2,658 community (block level) trainers. As part of the collaboration, Landesa provides technical support to facilitate the training of Master or District Level Trainers (DLTs), who in turn train Block Level Trainers of Self-Help Group Members.

Under the scaled up program, which is still under implementation13, Landesa provides its human resources to develop the training materials, delivers trainer of the trainer (ToT) trainings and assists the training monitoring. The WBSRLM financially supports the delivery of the trainings and other relevant costs, in addition to mobilizing its SHG network (Figure 1). As of May 2020, master trainer trainings have been completed, and field level trainings are on-going but have already trained close to half a million women14, the WBSLRM has made budgetary allocation to include about 750,000 women SHG members in the trainings in 106 blocks during 2020-21.

Landesa played the role of a facilitator in identifying the legal information needs for the rural women and developed a course module adopting adult learning pedagogy to support the WBSLRM. The key elements in the course design focused on the different uses of land, how they are linked to ownership, various forms of records of rights viz. Sale deed, patta (land ownership record), khatiyani (land record) and their variations, land transactions (sale and purchase) and the mutation (change of land record following transfer of ownership) legal processes, among others. It also informed the SHG members on their eligibility for various land-related schemes run by the Government of West Bengal. The other areas this training highlighted included various legal provisions promoting women’s land rights, such as equal inheritance and legal protections to enjoy secure land rights that are available to women under Indian laws viz. joint titling over private (patta) land and Hindu and Muslim Personal laws (Landesa & WBSRLM, 2017).

Another innovative area in which women are trained is on how to use an application of the West Bengal Land Revenue Department for checking and updating land records called ‘Jomir Tothya’ (Land Information or Record). While villagers can use their smartphone to check land records, the more experienced women are also getting trained to use desktop computers to file online applications through the Banglar Bhumi15, a government website for land records, including mutation and conversion of land to current land use viz. agriculture or homestead from different past use etc. so that they can submit their service requests with Government electronically, instead of requiring an in-person visit to the government offices from remote villages.

While the content and pedagogy were designed and tested by Landesa, implementation of the training programs was done through the existing Human Resources of the WBSLRM. Landesa provided an initial orientation on the content to district level trainers (called Master Trainers) and taught them how to conduct the training program for rural women using tablets. These Master Trainers subsequently trained selected leaders of SHG federations at the level of a Gram Panchayat (cluster of villages). These trained SHG leaders then became trainers (community or Block level Trainers) for the SHG members in their respective Gram Panchayats/villages.

As a large number of women members were included in this training initiative, a joint strategy for monitoring the quality of delivery of the training program was developed with the support of Landesa in line with the existing monitoring system of WBSLRM. The monitoring strategy included the assessment of both quantitative and qualitative aspects of the training using a data collection tool completed after each training16 (WBSRLM, n.d).

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13 Relevant data on the status of implementation and impact could not be obtained from WBSRLM, though they were formally requested and followed up several times.

14 As reported in this media report, https://pulitzercenter.org/reporting/women-use-mobile-phones-maintain-land-records

15 A mobile app [https://play.google.com/store/apps/details?id=com.app.nic22.banglarbhumi&hl=en_IN] of Land and Land Reforms Department, Govt. of West Bengal has been developed for facilitating citizen to provide doorstep services. This app will help to access live land data in 24X7 basis. It is trilingual mobile apps (Bengali, English & Devanagari).

16 JomirTothya is also linked to ‘Banglar Bhumi’ Website https://banglarbhumi.gov.in which is the official online land record site West Bengal Government.

17 The consolidated data were analyzed and planned to be uploaded to the WBSRLM website for public dissemination, as per the note shared by State Team Leader, Landesa. However, there was no scope for reporting these trainings in the NRLM National MIS portal, which has become the monitoring portal for all states now. WBSRLM also indicates lack of feedback mechanism on women land rights from SHG members http://wbprd.nic.in/anandadhara/reports.aspx
An assessment of the SHG members six months after completing the training, as per an internal report of Landesa\textsuperscript{18}, revealed that:

- About 32 percent could describe what is meant by the record of rights and what documents constitute it, and 36 percent were able to recall which office needs to be approached for obtaining it.
- 45 percent of women recalled to which office the application for mutation needs to be submitted.
- 34 percent could identify which office to visit for obtaining a succession certificate\textsuperscript{19}.

It was evident from the assessment that this collaboration had resulted in an increased level of awareness on the procedures required to access land rights and the public offices dealing with land. According to Landesa, these findings created a demand for more women in West Bengal to be included in this program.

Most participants of the trainings are now reportedly able to download the Jomir Tothya app on their smart phones and check the status of a land parcel and its ownership\textsuperscript{20} (Singh, 2020). If they find errors or problems, they are able to approach the authorities to make corrections. For example, during the monthly Women Land Literacy meetings in villages in the Alipurduar district, the village women could put into practice what they had learned, translating the lessons into action on their phones. “Though I am not much educated, I know how to operate a smart phone,” said a woman trained on this app, as she navigated around the screen. “It proved to be handy because I could see the details about my land on the cell phone and then approach the local administration for the necessary changes.” They were also proud to teach other women on how to use the app.

Government officials confirm\textsuperscript{20} receiving more applications online relating to land conversion, inheritance and mutation, among other requests, since the expansion in training. A land reforms officer of Alipurduar block 1, which covers 57 villages, confirmed to have received 882 applications for land mutation, of which 70 percent were filed online; 97 applications were for land conversion, of which 85 were filed online, between December 2019 and 28 January 2020.

Women now understand why authentic and updated land documents are important to prove their ownership and that merely purchasing/transferring land or registering the sale is not enough\textsuperscript{21}. The beneficiaries of the training can now use the smart phones effectively and easily to check land ownership records. For example, in 2019 Pampa Burman from Paschim Khatatalbari in Alipurduar district continued to see the original seller as the owner in the app even after the registration of the purchase, which led her to approach the government offices and finalize the mutation of the land that her husband had purchased over a decade ago while only registering the sale deed. Women now recognize the importance of completing the mutation process and updating the land records when selling their land, especially to access government entitlements.

Building on this partnership, the WBSRLM and Landesa have more recently partnered to support women SHGs to pursue group land leasing and collective farming of high value crops, such as potato, including through piloting a contract farming arrangement with PEPSICO. The below boxes highlight brief insights into these further innovations as documented through secondary literature review and interviews with implementing partners.

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\textsuperscript{18}Report on ‘Engagement with the West Bengal State Rural Livelihood Mission’ shared with us by the State Director, Landesa, West Bengal

\textsuperscript{19}However, the rollout of training by Master Trainers to SHG members was delayed, which negatively impacted the quality of the training program.

\textsuperscript{20}as per this media report (ibid)

\textsuperscript{21}as per this media report (ibid)
The assessment noted spontaneous women’s group leasing in West Bengal and women’s interest in farming through group leasing. Women in these groups are often Scheduled Caste and Scheduled Tribe members – the same women who the assessment found to be actively engaged in farming. This was also documented in a Tetra Tech–Landesa study in 2019 referred in the box 2 (https://land-links.org/wp-content/uploads/2020/06/PepsiCo-USAID-India-implementation-plan_final_clean_28-Aug-2019-508.pdf).

Box 1: Access to land created opportunity for collective farming by women SHG members in West Bengal

While the training enhanced women’s land literacy and thereby helped them update their land records to reflect their land rights (para 19 and 20), it also indirectly facilitated the involvement of women SHG members in collective farming. Under the National Rural Livelihoods Mission (NRLM) and WBSRLM, women are supported to pursue farm-based livelihoods. As many SHG members are poor and lack land, especially members of Scheduled Castes and Scheduled Tribes, as in other states, WBSRLM field teams have assisted women to access private fallow land through informal leases with local landowners (as per the prevailing practice) and collectively farm this leased-in land along with any land they do own for cultivating cash crops. The leasing arrangements remain completely informal, however, as the existing state legal framework does not allow agricultural land leasing. Still, this model has received tacit support from the WBSRLM field team members, as it helps poor and landless women SHG members better utilize their skills and labour, overcome fragmented farming and access institutional finance to augment their incomes.

SHGs leasing land informally as a group are also perceived as a lower threat to the land rights of the landlords as compared to individual women leasing land, since legal provisions that allow long-term tenants to acquire ownership rights typically only apply to individuals and not groups. Rents on these leased lands were fixed based on the quality of the land (irrigated/non-irrigated, proximity to road etc.) for one agriculture season without any consideration of renewal for the next year. This rent negotiation between the SHG and the landowner was also facilitated by Landesa field workers. However, due to the restrictive legal framework, the negotiation and lease arrangement were completely informal and did not involve any documentation of the agreement between the SHG and the landowner. This led to uncertainty about the renewal of the lease period, which was perceived as a risk by the SHG members and undermined their investments in the leased-in land.

The SHG members mostly cultivated potato and other seasonal vegetables on these leased lands. In some of the poorest areas, where food security was a concern, SHGs also cultivated paddy. Although there is no empirical data available on the costs and benefits of this collective farming model, this experience formed the basis of a new contract farming initiative with PEPSICO under a USAID-funded project in the state implemented by Tetra Tech and Landesa (Box 2).
Box 2: Women’s Economic Empowerment and Equality, Land Rights and Agricultural Engagement in the PepsiCo Potato Supply Chain In West Bengal, India

Landesa supported pilot contract farming (Landesa, 2020) with two women SHGs as part of a USAID-Tetra Tech-PepsiCo partnership under the Integrated Land Resource Governance (ILRG) project in West Bengal (Tetra Tech & Landesa, 2019). Using credit and savings, each SHG (12-15 members) pooled their resources to lease about one acre of land to produce potatoes. Through this project, women farmers had access to critical inputs e.g. seed, fertilizer, crop insurance etc. and regular agronomic training on land preparation, planting, irrigation and pest management from PepsiCo agronomists. PepsiCo has also made a buyback arrangement for procuring their produce. However, due to wet weather, planting was delayed, and part of the land leased-in by the women farmers was waterlogged. This negatively impacted the production, but the women farmers were still able to recover their costs and made a profit.

Building on this pilot, the ILRG program is now helping PepsiCo and USAID to assess how empowering women and improving land tenure and rights could increase yields, production and smallholder incomes in the potato supply chain (Tetra Tech & Landesa, 2019) more broadly across India in the future. To inform activities under this partnership, PepsiCo had funded an assessment of women’s economic empowerment and equality, land rights and agricultural engagement in the PepsiCo potato supply chain in West Bengal, which was carried out by Tetra Tech and Landesa in January/February 2019. This assessment provided evidence of the positive scope for women to collectively farm potatoes. To enhance women’s access to and control over resources, the ILRG program proposes to:

- Develop women’s group land leasing schemes, initially for SHGs, that allow members to farm parcels within the lease individually, as desired;
- Explore law and policy reform to allow joint titling of land and to liberalize tenant farming; and
- Renegotiate more equitable access to and control over resources using norms change approaches, including the development of household and community champions.

Landesa, as a partner to this project, is expected to demonstrate group land leasing with selected SHGs and liaise with the West Bengal state government regarding opportunities to promote group land leasing and further scale up the land leasing model piloted with WBSRLM.

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24Through the Integrated Land and Resource Governance (ILRG) program funded by the U.S. Agency for International Development (USAID), Tetra Tech is helping to strengthen tenure security and formalize property rights in Zambia, Ghana, India, Liberia and Mozambique as well as supporting broader global learning. The program may expand to additional countries before its anticipated completion in 2023. https://www.tetratech.com/en/projects/integrated-land-and-resource-governance

25Project seeks to provide Women with access to land by working with members of women’s SHGs and be better equipped to participate in markets (including as prospective sub-vendors to PepsiCo), networks and mentorship opportunities through the Empowered Entrepreneurship. Empowered Entrepreneurship is an approach which integrates human-centered design principles, psychology, gender awareness, and financial and business acumen training into one training program. The approach was developed by the Global Alliance for Clean Cookstoves, as a public-private partnership hosted by the United Nations Foundation, with support from the Ministry of Foreign Affairs of Finland. The approach includes modules on building business skills, finding voice and empowerment, and developing leadership goals. The approach was specifically designed for organizations working with women entrepreneurs. The curriculum includes six days of training, which can be delivered in different ways. A randomized control trial conducted by Johns Hopkins University demonstrated that women who participated in both the four-day entrepreneurial training and the four-day empowerment training more than doubled their sales and were three times more likely to be higher sellers. The intervention targeted both men and women small business owners. Shankar et al (2015)

26Based on the assessment and experience in West Bengal, women from Scheduled Castes and Scheduled Tribes are willing, able, and eager to be involved in agricultural activities outside of the home. General Caste and Muslim women also participate in farm-related activities, but they generally prefer work that can be done within the home, such as potato seed preparation and crop storage, crop residue management, animal husbandry, and meal preparation for laborers. Further, there are examples in West Bengal of spontaneous women’s group leasing. These examples demonstrate women’s interest in farming through group leasing. Women in these groups are often Scheduled Caste and Scheduled Tribe members – the same women who the assessment found to be actively engaged in farming.
The effectiveness of the land literacy and digital tool training pilot was primarily based upon the partnership approach adopted by both Landesa and the WBSRLM. Thanks to the clear role definitions of each of the stakeholders and use of the existing human resource infrastructure of the WBSRLM, this land literacy and digital tool training pilot could reach more than 0.5 million SHG members between 2018 and 2020. Such an effective partnership between a state government institution with considerable beneficiary reach and an NGO offering specialized support and services can introduce innovations in the way state and central schemes are delivered to the beneficiaries and impact the lives and livelihoods of the poor at scale.

The other key stakeholder institutions included the SHGs and in particular the SHG leaders, who served as master trainers in the village level trainings. These trainers became community role models, and the trainings provided a safe space for women to have conversations on legal and land-related issues, which normally do not happen in the presence of external facilitators.

Empowering women to form group farming enterprises as cooperatives or SHGs can enable them to collectively overcome land fragmentation by consolidating their land holdings and accessing additional land through informal leasing, which helps them benefit from economies of scale and use the land more productively (Gosh, 2019). Collectivization can help women take advantage of technical educational opportunities, including greater exposure to extension services, and access better inputs and markets to grow their agriculture businesses. Informal lease agreements can also enable women farmer groups to access additional farmland for cultivation.

**Lessons Learnt**

1. **Collaborative effort between a state government institution and an NGO** partner enabled innovative training methods to be implemented at scale

2. **Building local capacity and a community of trainers**

3. **Improving the gender responsiveness of land administration services**

4. **The initial experience of the PepsiCo pilot also suggests that collectivizing women farmers and increasing their access to farmland through informal leases can overcome many farming barriers**
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ABOUT THE DISCUSSION NOTE SERIES

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