



Annual World Bank Conference on Land and Poverty 2013

**THE FOG OF ENTITLEMENT:
WOMEN AND LAND IN INDIA**

DR. GOVIND KELKAR
Landesa, India
govindk@landesa.org

**Paper prepared for presentation at the
“ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY”
The World Bank - Washington DC, April 8-11, 2013**

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Abstract:

This paper draws attention to the complex inter-relationship between women farmers and their lack of rights to land. Based on quantitative insights gained from interviews of 504 women in 19 villages, in two states of India Andhra Pradesh and Bihar (Landesa & UN Women, 2012), the paper further explores the structure of constraints to women's entitlements to land. At a formal level, these constraints indicate that the policy commitments made since 1980s and some bold changes made in the Hindu Succession Amendment Act in 2005, have limited implementation. At the informal level, socio-cultural norms disallow women from acquiring land through inheritance or allocation of government land. In the final section of this study, several measures are proposed to policy administration and development organizations to close the gender gap in ownership and management of land. These include: gender sensitization and gender balance in land and revenue administration; increased community awareness regarding women's right to agricultural land; and increased support for gender transformative research and documentation on women's partitionable joint and/or exclusive titles to land.

Key Words: India, Land Access for the Poor, Policy Implications, Women's Land Rights

Rural women have only marginal rights to agricultural land and other productive assets. In India, approximately 10% of rural land is actually titled to women, whereas 83% of rural women provide agricultural labor (Ministry of Rural Development, 2011). Development discourse in the past decade has drawn attention to this disparity, yet, little research has been done to document its causes. The gendered distribution of land and resulting vulnerability of women substantially affect national efforts aimed toward overcoming poverty. Thus, it is imperative that government policy addresses the persistent institutional discrimination against women and seek ways to strengthen women's land rights.

What does strengthening women's land rights entail? A woman's access and control over land can improve if: (i) she gains access to more land; (ii) she gains access to land of higher quality or in a better location; (iii) she gains additional rights over a plot of land to which she already had access; and (iv) her land rights become more secure. A woman's land rights are secure if: (a) they are legitimate; (b) they are not affected by changes in her marital status; (c) they are enforceable; and (d) her ability to exercise them does not require an additional layer of approval that applies only to women.

Drawing on a larger study conducted in 2012 by Landesa and supported by UN Women, *Challenges and Barriers to Women's Entitlement to Land in India*¹, this paper examines the experience of women farmers who lack rights to land and related factors of production and provides quantitative insights into a number of conditions that currently hamper rural women's land rights. In an effort to build an understanding of women's land rights in India, the study documents how women acquire land, their feelings about land tenure security, their knowledge of land rights and the extent to which they would like to and expect to gain access to family land through inheritance.

I. Women and the Land Question

Women's agency (the ability to make decisions and control one's labor and assets) has a strategic role in promoting inclusive growth and gender parity in distribution of resources. Recent policy discussions on building economic power of rural communities have drawn attention to two facts. First, access, control and ownership of certain assets, such as land, housing, livestock, common property resources, businesses, health and finances, are leveraging factors in pursuing women's empowerment and gender equality and for bringing more equitable change to institutions and society at large. Second, women constitute a significant majority of small-scale farmers and food producers. Hence, strengthening women's rights to land and related productive assets and developing their capacity are central to overcoming poverty and inequality. Women allocate a greater portion of their own earnings to family sustenance (meaning food, healthcare and education of children) than do men from their earnings (Blumberg, 1991). As women's own earnings have a positive effect on their status within the family, regression results over South Asia, Sub-Saharan Africa and Latin America and the Caribbean, show that "women's status has a significant, positive effect on children's nutritional status in all three regions" (Smith et al., 2003, p. 43).

Women's lack of ownership and control rights to land and productive assets is increasingly being linked to negative development outcomes. Some recent studies point out that there exists a positive correlation between women's ownership of specific assets and reduced vulnerability to experiencing access to productivity increasing technologies (Bhatla et al., 2006; Kelkar, 2007; Shapiro & Wolff, 2001; World Bank, 2008). Many of these analyses have further demonstrated

¹ The author would like to thank Aniruddha Brahmachari, Diana Fletschner, Santosh Kumar Jha, Gregory Rake and Vivien Savath for their contributions to the report *Challenges and Barriers to Women's Entitlement to Land in India* by Landesa and UN Women India. Further the author gratefully acknowledges and appreciates comments and critical inputs to this paper by Robert Buergenthal, Robert Mitchell, Laura Eshbach and Gregory Rake. Jaya Lekshmi Nair assisted me at various stages of research in completing this study.

that household and individual well-being are not necessarily the same, that women and girls may have lower levels of access to education and medical services and that these differences may be related to differential control of household assets. Lack of control over assets also results in women's lower wages and cripples their economic agency and decision making power over assets. However, relatively little research has been undertaken on the gendered distribution of land and productive assets and to determine how intra-household land distribution affects women's economic security and impacts productivity.

Since the renewal of the women's movement in the 1970s, it has been frequently debated and resolved that women's subordination and patriarchal gender systems could be combated only if a fundamental change was made concerning women's existing lack of rights to land and property and productive assets.

Women's independent right to own and control land and other assets are integrally linked to measures to change the ideology and structures of patriarchy within the family and in social relations. Poor peasant, agricultural laborer, Dalit and indigenous women have repeatedly emphasized the need for measures that would enable women to have inalienable rights to land, property and other productive assets and rectify existing rural and agricultural wage disparity where women workers are lower paid than men (e.g., Kelkar, 1993; Goettner-Abendroth, 2012; Women Farmers' Conclave, 2013).

In civil society discourse, community perceptions are given weight in participatory assessments, even though these reflect social norms and values that tend to overlook gender inequalities in access to resources, voice and women's vulnerability largely related to their lack of assets. The study of social norms and practices in gender distribution of land is crucially important to understand the gender equality constraints and possibility of women's economic development.

While economic growth is considered the most powerful instrument for reducing poverty, the power of social and cultural institutions still helps to determine the extent to which women experience economic independence and improve their lives by freeing themselves of violence, attaining better education and health and achieving greater control over their lives. Thus, there is need to ask the question: How should growth strategies (and social institutions) be designed to provide maximal support for development of women?

Development reports have increasingly acknowledged that there is a need for women to participate in proportionate numbers in the management of land and trading opportunities in the local markets. In the context of growing feminization of agricultural work and the informal sector, women need appropriate skills and unmediated control of land and related production

inputs in order to successfully manage their lives and increase agricultural productivity. As rightly suggested in the recent FAO report that closing the gender gap in agriculture with women's access and ownership of land and productive assets, could increase yields in the women run farms by 20-30 %. This "could raise total agricultural output in developing countries by 2.5 – 4%, which could in turn reduce the number of hungry people in the world by 12 – 17%" (FAO, 2011: 5).

I have argued elsewhere that land distribution is superior to income transfers because there is an incentive effect in the former case (Kelkar, 2011). Land distribution provides a basis for overcoming distortions in the functioning of markets and for restructuring gender relations in the fields of property rights, access to technology, healthcare and governance. Women's ownership and control rights to land are likely to bring in changes in public opinion about gender roles and social cultural norms of deep-seated social inequalities of women such as the household division of labor, restraints on women's speaking in public, constraints on women's mobility and pervasive gender-based violence within and outside the home.

At a fundamental level, the security provided by land is more certain, as it is not subject to fluctuations of the labour market. While income only maintains consumption, land titles allow individuals to engage in long-term planning. Land distribution facilitates a restructuring of gender relations in the areas of property rights, access to technology, healthcare and autonomy in governance of resources, including women's own body and labour. Land ownership enhances women's bargaining strength and decision making power and allows them to challenge the rules that discriminate against them in the use and transformation of land and productive assets.

II. The Policy Road for Women's Land Ownership

The Constitution of India (1949) guarantees the fundamental rights to all citizens for equal treatment under law and prohibits discrimination on the grounds of sex (arts. 14-15). India further demonstrated its commitment to gender equality by ratifying the Convention to End All Forms of Discrimination against Women (CEDAW) in 1993. CEDAW (1980) requires all state parties to modify or abolish all existing laws, customs, practices and regulations that discriminate against women. All state parties to CEDAW must also recognize equal rights between women and men to conclude contracts and administer property and provide equal rights for both spouses for owning, acquiring, managing, administering and disposing of property (arts. 15(2), 16(1)(h)).

In a regional study of Latin America, Deere and Doss point out that signing CEDAW has had substantial effects on women's rights to household assets and community property. Most of the

Latin American countries recognize the dual-headed household system. However, these countries did experience a disjuncture between women's formal equality before the law and real equality in accumulation and management of assets (Deere & Doss, 2006, pp. 20-21). India too has passed legislation protecting women's property rights, including rights to agricultural land. However, social practices based on traditions and customs work to women's disadvantage and further act to influence the social ideology of women's economic dependence on men and a general reluctance to implement legal measures or use the courts to enforce women's rights to land. Social norms define and constrain women to exercise their agency, and further penalize both those who deviate from the norms and those who do not enforce them (World Bank, 2012: 169)

Historically, women's demand for equality within the family and for equal rights to land date back to 1938, when a Sub-Committee on Women's Role in Planned Economy of the National Committees of India began working on the legal rights of women to hold property in their independent names (Sub-Committee on Women's Role in Planned Economy, 1938). These demands and other voices from the women's movement in the 1970s, found expression in India's Sixth Five-Year Plan (1980 – 1985):

Economic independence of women would accelerate the improvement of the status of women. Government would endeavor to give joint title to husband and wife in the development activities involving transfer of assets. This would be taken up for implementation to start within programmes like distribution of land and house sites and beneficiary oriented economic units. (para. 27.19)

In 2005, the government of India amended the Hindu Succession Act of 1956. The Hindu Succession Amendment Act (2005), a revolutionary legal reform promoting gender equality, retained the concept of joint family and introduced daughters as coparceners who have a right at birth to a share of agricultural land and property equal to that of sons. The 2005 law thereby established a gender-equal basis of land and agricultural property inheritance.

In recent years, there have been serious questions on women's joint titles to land. A series of policy consultation meetings with civil society groups, including the Feminist Economist Group organized by the Planning Commission in preparation of the 12th Five-Year Plan, came up with a general conclusion that the measures for joint titles have not worked and remained inconsequential for social and economic empowerment of women. Importantly, as a consequence of the policy consultation meetings, the current 12th Five-Year Plan says: "Where new land is being distributed or regularized, individual titles in women's name only, rather than joint titles with husbands could be considered. States may also want to consider group titles to

women's groups . . . and recognize such groups as a valid category of land owners." In cases where joint pattas were issued in the past to occupants of government land, "such pattas would be made partitionable so that wives if they so desire, can have half the share of land in their single names" (para 23.25).

In India, land is governed by state law, rather than national law. Several states in the country have implemented programmes that suggest that secure land rights of women, with full control and ownership, can improve women's economic empowerment and increase productivity or investment in agriculture.

For instance, from 1997 to 2010, the state government partnered with the World Bank to implement a poverty reduction programme in the Indian state of Andhra Pradesh. The government purchased land from owners willing to sell and transferred it in the names of women from landless households. Over 5000 women got land in their independent names. The states of Gujarat, Karnataka, Kerala, Bihar and Odisha offer similar examples of land transfers in women's names, though on a smaller scale. In all the villages the author visited in 2004-2005 in connection with review of a UNIFEM project, both women and men said that it was a good thing that land was registered in women's names, that it would guard against men's tendency to over-consume alcohol and then dispose of their land for a small amount of money (Nathan and Kelkar, 2005).

Such ad hoc policy measures are reflected in research related to women and agriculture (e.g., Agarwal, 2002; Kelkar, 2007; Kelkar & Krishnaraj, 2013; Rao, 2008). Nonetheless, the subject of women's entitlement to land, either joint or unmediated ownership has received little attention from researchers.

III. Relevant Research on Gender Disparities in Productive Assets

The first relevant research area relates to the link between gender-based inequalities in land, capital and education and their adverse impact on women's ability to make use of opportunities afforded by economic development (Agarwal, 1994; Dollar & Gatti, 1999; Kelkar & Nathan, 2003; Zhu & Jiang, 2000; World Bank, 2001). In a four-country study (Bangladesh, Indonesia, Ethiopia and South Africa), Quisumbing and Maluccio (2003) used recall methods to collect data on assets brought to marriage. In all four cases, men brought more assets or wealth to marriage than women. This asset difference reflected on women's inequalities within marriage throughout the lifecycle, in terms of women's limited access to information on new technologies, agricultural extension, preventing diseases of farm animals and so on. This, in turn, limits women's efficiency and income from agricultural activities.

A second area of research investigates the implications of gender inequality in intra-household allocation of assets and decision-making processes. The unitary household model, expounded originally by Gary Becker in the 1960s (i.e., the household is a collection of individuals who have a single set of interests, thereby precluding any conflict or inequality among the members) has been increasingly questioned (Sen, 1990; Agarwal, 2002; Kabeer, 1999; Kelkar, 1993; Kelkar & Nathan, 2003). Research has shown that if household allocation of assets is not gender balanced, it may impact intra-household bargaining; inter-spousal decisions concerning production; consumption entitlements and formation of human capabilities.

A third area of research explores building of land and productive assets, based on women's negotiations for economic security related to their share or ownership in the family land. This becomes more important in the context of feminization of agriculture and micro-credit organizations in rural Bangladesh (Kelkar, Nathan & Jahan, 2004). Admittedly, cultural and social norms influence the asset-building behavior of women and men, such as savings for a dowry for one's daughters, education of children and siblings or supporting a family member in times of distress. What is important to note is women's growing aspiration to own and control such assets without mediation of the household or its head. In a recent meeting in a village in Maharashtra a woman cultivator said, "When the land is in my husband's name, I am only a worker. When it is in my name I have some position in society and my children and husband respect me. So my responsibility is much greater to my own land and I take care of my fields like my children" (Kelkar, 2011).

A fourth area of research relates to the well-being effects of women's land and property rights. Social and cultural norms change when women acquire control to land or other assets. My field work findings (in connection with production networks, micro-finance and sex trafficking) in rural Bangladesh, India and Nepal, suggest that women's control of land and assets results into effectively breaking the vicious circle of poverty-patriarchy-illiteracy-ill health, including HIV infection (Kelkar, 2008). With independent land rights, women are able to address the local world of male dominance and of stigma and humiliation in case of any transgression of gender norms.

Women's ownership and control rights to land can not only lead to higher and better quality production, but it can enable them to control the use of household income for the well-being of themselves and other members of the household. It can also benefit women by being associated with a reduction in violence.

In cases where customary laws and practices allow for women's property inheritance, there appears to be advancement in women's status and decision making participation. In fact some

studies have also correlated women's property ownership with a decline in the incidence of domestic violence. For example, Bhattacharyya, Bedi and Chhachhi (2011) investigated the relationship between marital violence and women's employment and property status in Kaushambi, a less developed district in Uttar Pradesh. Significantly, the study found that domestic violence is negatively correlated with the economic position of the household (as defined by the amount of land holding). Women's household ownership is 16% among those who do not experience violence, as compared to 2% among those who do. And, women's house ownership is associated with a 33 to 36 percentage point reduction in violence. Similarly in their study Panda and Agarwal (2005) examined the association between marital violence and women's property ownership in the Thiruvananthapuram district of Kerala. They found that ownership of property was negatively correlated with women's experiences of both physical and psychological violence. The relationship was maintained even after controlling for other factors such as women's education, per capita income, level of social support, husband's risk behavior and a history of violence in the wife's family during her childhood.

In a recent study, Prem Chowdhary (2011) links reduction in violence against women with possession of land by inheritance rights. In narrating their experiences of land ownership and its positive impact, women relayed that land acquisition was associated with greater respect in the marital household, ability to frequently visit natal family, decreased physical violence, exemption from work, greater assistance from the mother-in-law in household chores, increased access to spaces outside the home and greater participation in reproductive and financial decision making. In rural Haryana, even the knowledge and hope of the wife's property inheritance suffices to suppress male violence. Despite these gains of property ownership, depending on the norms that guide certain regions, women may have to experience alienation by the natal family to claim their property share, especially when there is a son/brother to inherit property. Following the sister's property possession, the relations between the brother and sister usually become irrecoverable.

Despite these beneficial effects of women's secure rights to land and productive assets on their position, questions remain: Why do women not have their effective rights to land? What are the constraints to women's land rights?

IV. Exploring Constraints to Women's Land Rights in India

The results discussed in this section are based on a Landesa and UN Women study, *Challenges and Barriers to Women's Entitlement to Land in India*, conducted in September and October of 2011 with women in Andhra Pradesh and Bihar (Landesa & UN Women, 2012). The research team covered two districts in each state. In each district, the research team selected two blocks,

and in each block we choose two Gram Panchayats (a cluster of villages administered by an elected system of local government, Panchayat). The researchers interviewed a total of 504 women in 19 villages. In each village, a stratified sample of land-owning households was selected to represent various caste and ethnic groups and women headed households. In each family, the researchers interviewed the woman and made every effort to interview to three other family members: her husband, her eldest son and her eldest daughter. The remainder of this section describes findings related to eight factors that appear to constrain women's ability to own land: lack of legal knowledge; social norms and attitudes; perceived lack of recognition of women's right to own land; inheritance practices that disfavor women; lack of formal documentation; interactions with government officials; perceptions of vulnerability to losing land; and lack of equal authority regarding decision on land use.

A. Lack of Legal Knowledge

The Hindu Succession Act (HSA) of 1956 established a comprehensive system of inheritance for Hindus. However, the HSA does not grant inheritance rights to joint family property to women, as it does in the case of sons or male heirs. Rather, joint family property passed to a group that included only male heirs, excluding daughters from sharing in the inheritance. The Hindu Succession Act Amendments of 2005 (HSAA) addressed this oversight, granting daughter's inheritance rights equal to those of sons. Andhra Pradesh enacted a state-level version of the HSAA in 1986 and Bihar adopted it only after 2005.

Overall awareness of the HSA was low among the Hindu families surveyed, as illustrated in Figure 1. Only 22% of the families were aware of the law, and 59% of Hindu respondents who had heard of the law understood that it provides girls and boys an equal right to inherit. Women and men in Bihar were much more likely to know this than those in Andhra Pradesh (82% of men and 69% of women in Bihar compared to 36% of men and 39% of women in Andhra Pradesh). However, 62% of all respondents correctly indicated that widows and children have the right to inherit equally when the husband (father) dies without a will. The Hindu Marriage Act (1955) governs property following divorce. Only 34% of respondents correctly answered that a divorced woman is entitled to half of her husband's property, while 58% said that the woman had no right her husband's property.

The Muslim Personal Law Application Act of 1937, which codifies Sharia in India, applies to inheritance involving Muslims. Compared to their Hindu interviewers, a larger number of Muslim men said that they have heard of the law that applies to their families (50% indicated that they had heard of the Muslim Personal Law (MPL) versus only 25% of Hindu men who reported having some knowledge of the HSAA. (See Figure 2 for more information on Muslim

respondents' knowledge of the MPL.) Among those familiar with the MPL, the majority of respondents understood that wives and daughters had some right to inherit property under the MPL, but were often mistaken about the share that wives and daughters could claim. Upon divorce a woman can receive personal property that she acquired both before and during the marriage, but she has no claim against her husband's property. Less than 10% of respondents mistakenly thought the wife would have a right to her ex-husband's property.

B. Social Norms and Attitudes

In many communities, the prevalent social norms and attitudes prevent women from owning land, because a woman's efforts to assert her legal rights to land would be considered socially unacceptable behavior by her family and community. Few of the women interviewed reported knowing other women who own land (12%) or knowing women who had inherited land from their parents (15%). There were fewer women landowners among Muslim women (4%) than there were among Hindu women (15%).

As illustrated in Figure 3, only 8% of the interviewed women said that they currently own land. For the remaining 92%, the interviewers inquired about the women's and their husbands' preferences about women's land ownership. Figure 4 shows that about 37% of husbands said they did not want their wives to own land, and almost half of that 37% did not want their wives to own land because they did not want their wives to be on bad terms with the community.

Close to half of the women asked about their preferences about land ownership said they wanted to own land. Of the other half of women (who said they did not want to own land) 46% said it was because they did not want to be on bad terms with their communities, and 7% said that it was because they did not want to lose their families' support. Though about half of the women had an interest in owning land, only 19% of the women interviewed said that they wanted to inherit land from their parents. Of the 81% of women who did not want to inherit land from their parents, 39% said it was because it would make them look bad in the community, 19% said it would cause problems with their brothers, and 16% said it would deprive their brothers of their means to care for their families. Twenty-six percent preferred not to cite the reason why they did not want to inherit land.

The eldest sons were asked about whether they would want their wives to own land and the daughters were asked about whether they would like to own land, the results of which are illustrated in Figures 5 and 6. Most said they do not want to see women owning land: 74% of both sons and daughters. Like the parents, they often reported that there was no need for women to own land because husbands take care of their wives. The daughters seemed to be

more affected by community pressure, while the sons were more concerned with tensions in the family.

A critical review of Landesa- UN Women study shows that it has failed to analyze social norms that nurture the gender-based domination of land by men. Development policy and macro-economic analysis has shown some concern in bringing about limited change in formal institutions, while paying much less attention to informal institutions that govern day to day life, and working through informal constraints called codes of conduct or norms of behavior. These form part of the tradition that we call culture and which affects women's sense of the possible. "For those at the high end of hierarchy, it provides the means to maintain their high position, whereas for those at the low end, it can limit aspirations, create discrimination and block mobility". (North 1990, p.170) As Bourdieu (2001) argues, culture therefore is a form of capital which makes it possible for certain individuals and groups (men in this case) to maintain and enhance their social, economic and political power. This type of social order plays an important role in the reproduction/ perpetuation of gender inequality.

Gender equality is seen as only a goal, social desirability to which many people think they should be seen to agree. Surely, this is a step forward in non-discrimination. But India and most South Asia still lack a critical mass of people who are willing to launch public action for women's equality in ownership and management of land.

C. Perceived Lack of Recognition of Women's Right to Own Land

Based on what they see around them, women generally perceive that the state, religious leaders and village leaders do not recognize women's right to own land and manage agricultural land. Not surprisingly, almost 40% of the women interviewed said that they do not have a legal right to own land, with a higher percentage among women heads of household. Men had more knowledge of the legal measures: 85% said that the law recognized women's right to own land.

Women had mixed views about whether or not religious leaders recognized their rights to land. Among both Hindu and Muslim women, about half of the women believed that their religious leaders did not recognize women's right to inherit land from their parents. Among Hindu women only, about 20% said the religious leaders did not recognize their rights to inherit land from their husbands, while among Muslim women, only 5% indicated that their religious leaders did not recognize their rights to inherit land from their husbands. However, their husbands' responses described a religious environment more supportive of women's land rights. Though it is difficult to gauge which perceptions are more accurate, women's behavior and,

consequently their demand for land, are likely to be directly influenced by their own perceptions.

Sixty percent of the women we interviewed indicated that their village leaders did not recognize their rights to inherit land from their parents. This highlights why efforts to strengthen women's land rights should include interventions that reach out to village leaders with information and gender sensitive interventions and training about their responsibilities.

D. Inheritance Practices Disfavor Women

Based on social norms about the sons' right to inherit land, and more so after the Hindu Succession Amendment Act in 2005, inheritance is seen as the most frequent mode through which families acquire their homestead plots. Slightly over 10% of them have received their homestead plot through a government program, and only 16% of the couples have purchased their homestead. Interestingly, this figure is larger for women-headed households, 29% of whom reported buying their homestead plot. The same pattern holds for all the other, non-homestead plots with inheritance playing a slightly larger role: inheritance accounts for the acquisition of nearly three-quarters of non-homestead plots even in female-headed households.

Seven percent of the plots in the study sample are owned by women, compared to 93% owned by their husbands. Women's plots were acquired through inheritance, market purchases and government allocation, as shown in Figure 7. Women headed households were over twice as likely to rely on the market to access land (36% compared to 17% of plots in dual-headed households.) The land they purchased was often used for market agriculture (39%) or as a residence (37%).

India has a long and varied history of state-level land allocation programs, many of which have targeted women. It is therefore not surprising to find that 10% of the plots were acquired through the government and that the number is considerably higher (25%) among women-owned plots. This suggests that government programs may be partially addressing some of the gender biases in land markets and inheritance.

The state has also reached some of the most vulnerable sections of the population as the families who reported receiving government land were of a "backward caste" (economically poor and lower in the caste hierarchy) in 63% of the cases and women headed households in 14% of the cases. In total, almost 20% of the interviewed households had received government land. These plots were typically homestead plots (78%) and had an average size of 31.6 decimals of an acre.

E. Lack of Formal Documentation

In fact, only 60% of the plots reported in the survey of the Landesa – UN Women study are formally documented with a title deed or a patta. One-quarter of the plots lack any type of document, and the remaining plots are divided among having various informal documents such as a “white paper” (a document without a revenue authority seal).

Surprisingly, women’s names are included in less than 10% of the documents while their husbands’ names appear in over 90% of them. While the pattern holds, the size of the gender gap varies by state and religion and is considerably wider among families who are Muslim and those who live in Bihar than those who are Hindu or live in Andhra Pradesh. In fact, none of the formal land documents in Bihar named the woman.

While the rates were very low for all cases, wives’ names were even less likely to be included when the plot was inherited (6%) versus when the plot was acquired through a market purchase (17%) or government allocation (77%). Inclusion of the wife’s name was even less likely when the researchers looked at informal documents such as wills or white papers, in which women were named in less than 1% of the cases compared to 99% for their husbands.

Another point of note is that joint-titling was virtually non-existent. Formal documents listed either the woman’s name or her husband’s but not both. There were only six confirmed instances in which husbands and wives agreed that the plot was title jointly occurred in Andhra Pradesh.

F. Interactions with Government Officials

In the given social norms and predominance of men in land and revenue administration in India, rural women generally lack confidence to discuss land management issues with the government officials. Land ownership often entails interacting with government officials to ensure that the paperwork is in order or to record land transfers. Rural women lack confidence and are not in the habit of interacting with revenue officials, and this may affect their ability to gain access to and/or maintain control over land. A high percentage of women (61%) do not interact with Revenue Office officials. Women’s engagement with government officials is also important to larger governance issues and can open doors to other kinds of entitlements and information sharing that only interacting with government officials can provide.

G. Perceptions of Vulnerability to Losing Land

Respondents from Andhra Pradesh appear to be under tenuous tenure arrangements, with only 31% of the respondents saying that five years from now, their households will have the same or

more access to and control over the plots they currently have. When asked what might cause their household to lose access to this plot of land, the most common answers were economic hardship (70%), eviction by the extended family or clan (20%), and government eviction (10%).

Even when their households have secure tenure, women may end up losing access to a plot. As illustrated in Figure 8, the respondents indicated that women are particularly vulnerable to changes in their family structure. Close to three-quarters of women respondents said they would be likely to lose access to the land if they got divorced or had a falling out with their family. More than 50% said they would lose access if their husbands took another wife, and 30% of them said they would lose access if their husbands died. Debt and illness in the family were also a considerable source of risk.

H. Women Lack Equal Authority Regarding Decisions on Land Use

It is often argued that women who have land documents in their name are likely to be in a stronger bargaining position vis-à-vis their husbands than women who do not formally own land. Women face many disadvantages, even if they belong to a household that has land documents; in 78% of cases, the women in Landesa - UN Women study had no land document in their name. This gender gap in ownership is not due to women's disinterest, as we have encouraging results that women want to own land and in many cases have successfully struggled with their families for land ownership rights.

In general, women whose husbands were present for at least half of the year were unlikely to participate in decisions about how plots were used. They were noticeably more likely to have a say if they were *de facto* heads of households. And, regardless of whether they had a husband at home, women whose names were on the documents were more likely to take part in decisions about plot use.

Every woman who had a title under her name said she was the sole decision maker about which products should be sold. Those without land in their name, however, were much less likely to be involved in the decision making process (12%). If they were *de facto* heads of household such as in the household where husband was away as a migrant worker or seriously ill for a long period, most women made decisions on land use (88%).

Women's participation in decisions regarding who will inherit land is very low. Only 8% of the women viewed themselves as decision makers about land inheritance.

V. Towards Closing the Gender Gap in Land Rights

Increasing Community Awareness Regarding Women's Rights to Land: This can be accomplished by setting up legal education centers and awareness-raising campaigns, such as legal aid centers, community-based paralegals and behavioral-change tools. The community-based paralegal model implemented by Andhra Pradesh Mahila Samtha Society (APMSS) in Andhra Pradesh, with support from Landesa, provided one such example of a setting in which there was a network of self-help groups of women. Members of these groups can self-select, be trained as paralegals and offer their assistance to their communities, particularly to women. This approach is cost-effective, ensures broad coverage and empowers women with information on their land rights. As a consequence, women develop skills, expand their networks and gain status in their communities. Behavioral change tools, such as the community conversations piloted by the government of West Bengal with technical assistance from Landesa, can potentially empower communities to find ways of addressing strongly held norms that prevent women from gaining access to and control over land.

Gender Sensitivity and Gender Balance in Government Services: This entails building the capacity of the revenue and land administration, at all levels of the hierarchy. Officers need to understand why it is important to protect and increase women's ownership and management of land. Capacity-building exercises that link equality based distribution of land with women's empowerment should enhance officers' ability to interact with women in a gender-sensitive fashion and should help them make sure that processes are described in clear and simple language, posted in public spaces and advertised through media.

It is essential to increase the representation of women at all levels of the Revenue administration. It is particularly important to ensure that there are women officers at the level of village patwaris and patels because these are the officers with whom rural women will need to have face-to-face interactions. In some cases, the most effective way to reach out to women might be to have officers or offices whose mandate is to focus on women.

A review of Indian Plan documents shows that the challenge is not to reinstitute policy for women's economic security, but to redeploy the machinery already in place to be used in a more effective and gender responsive manner. The overarching vision that informs the design of policy for women's economic empowerment has hardly ever articulated the need for implementation targets. These errors of omissions and systematic de-emphasizing of women's equality in development policies need to be made visible through social audits of gender equality measures and workshops aimed at context-specific gender sensitization.

The patta (land title) distribution in West Bengal and Odisha are some examples of innovative government efforts with technical support by Landesa to improve women's effective access to

land whereby women and men sign their title papers and receive the document at a well-attended public act. These events ensure not only that women's rights are captured in writing, but also that women, and their families and their communities, know women have become landowners and can have some rights within the household.

Gender Transformative Research, Surveys and Documentation: There is, in general, insufficient data on women's ownership of agricultural land. This needs to be addressed by research. Such research should also pay attention to the changing gender relations and social norms through land and asset distribution policies, laws and implementation measures. Also, see their linkages with other domains of power and hierarchies between women and men in economy, polity and civil society. A change in women's favor in economic domain is likely to result in strengthening their position in non-economic domains of the household and the labor markets such as increase in bargaining power and reduction in violence against women. In the context of the given dearth of data on women and land, it would be important to have quantitative and qualitative research that can bring forth women's status and voices for the right to have land in their own name. How and under what circumstances are women better able to advocate for themselves and their daughters the inheritance rights to land and property? What can be done to plug loopholes and disallow any deviation from legal processes designed for women's land rights? A broad conclusion is that without land and asset based economic security women and men lack real freedom to overcome their vulnerability and move out of inequality and poverty in rural India.

Policy efforts and researches are needed to reverse the traditional problematic of women's subordination and inequality, based on the most visible changes in the agricultural production. It forces us to ask the-always ignored-question about the lack of development efforts at transforming the gender differentiated structure of land and productive assets. There is an emergent need to address mechanisms and actions that perpetuate masculine domination of land and agriculture, and women are free to exercise their economic agency and social independence.

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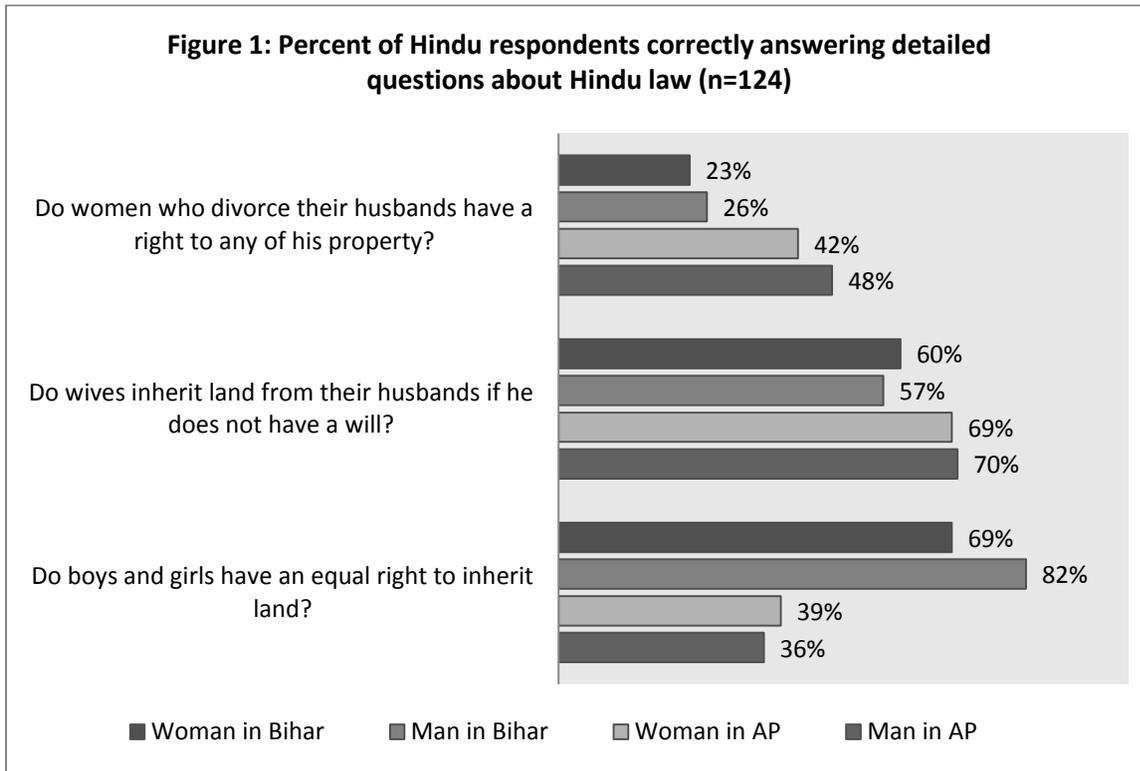
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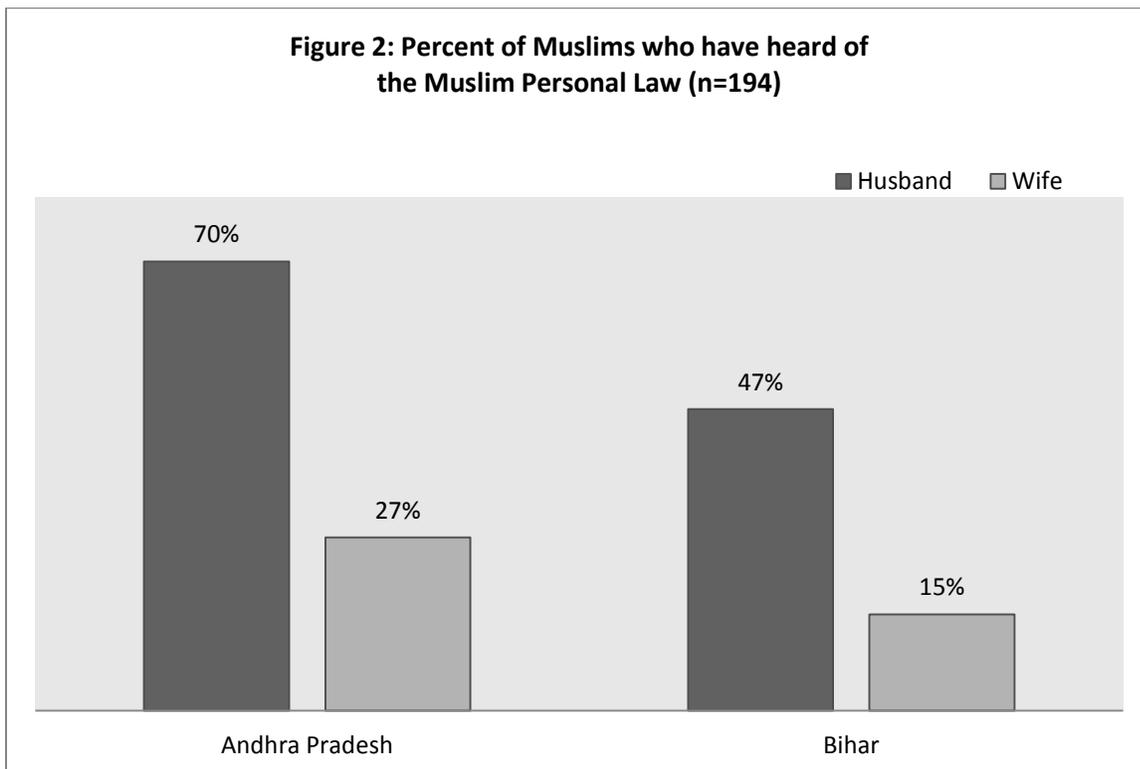
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Tables and Figures

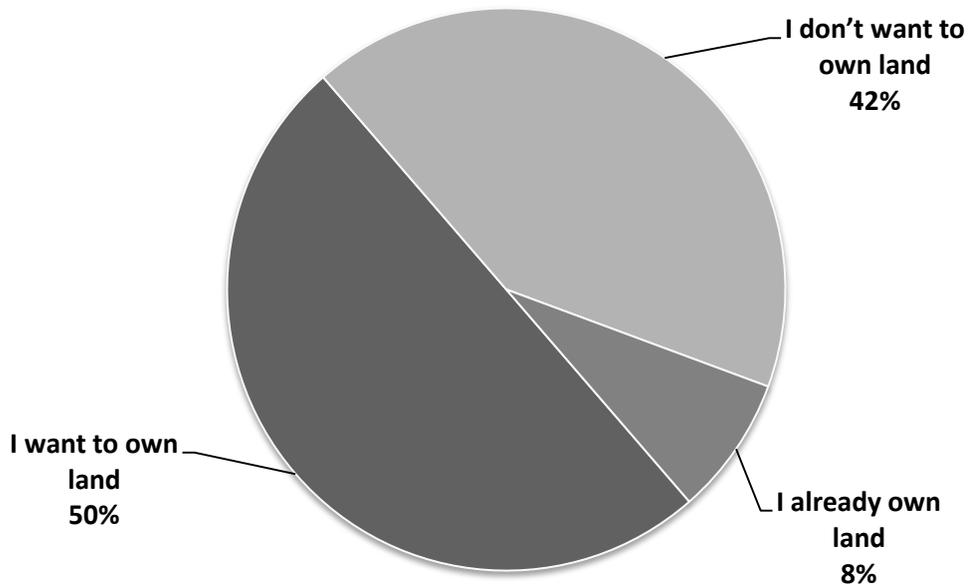


Source: Landesa & UN Women, 2012



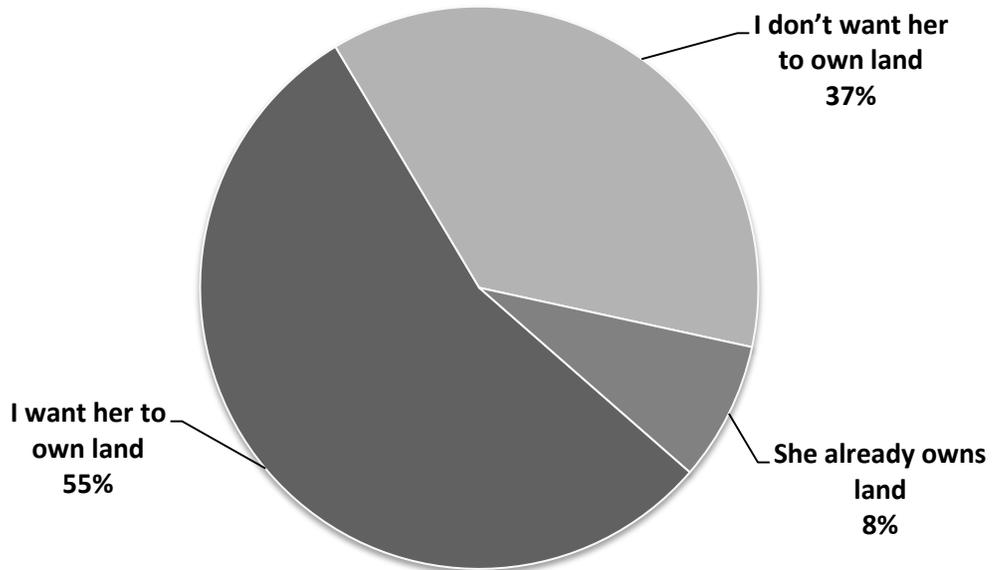
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Figure 3: Women: Do you want to own land? (n=263)



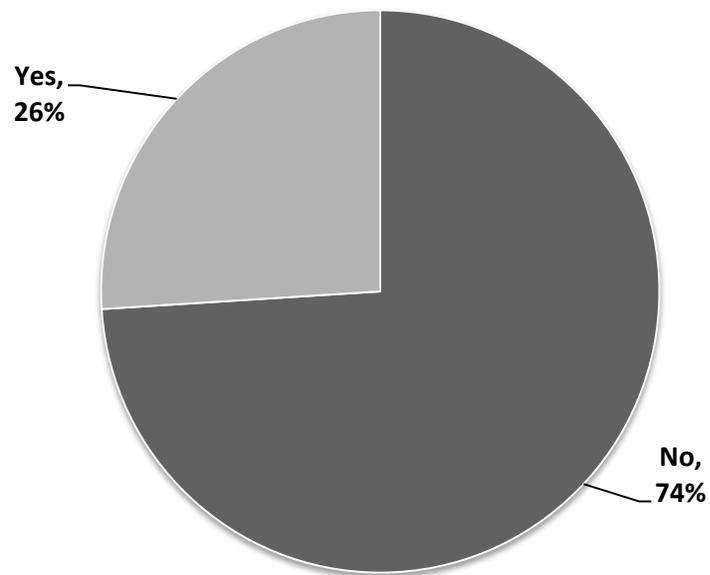
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Figure 4: Men: Do you want your wife to own land? (n=221)



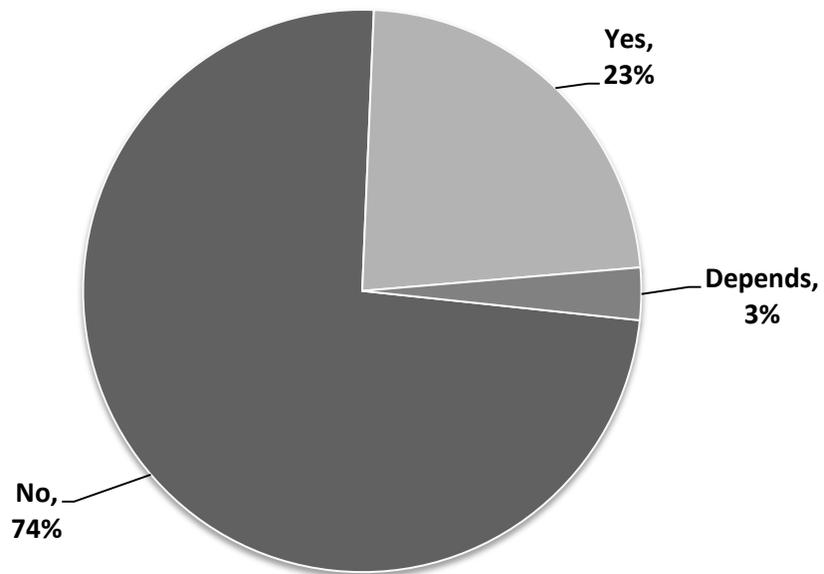
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Figure 5: Sons: Would you want your wife to own land? (n=389)



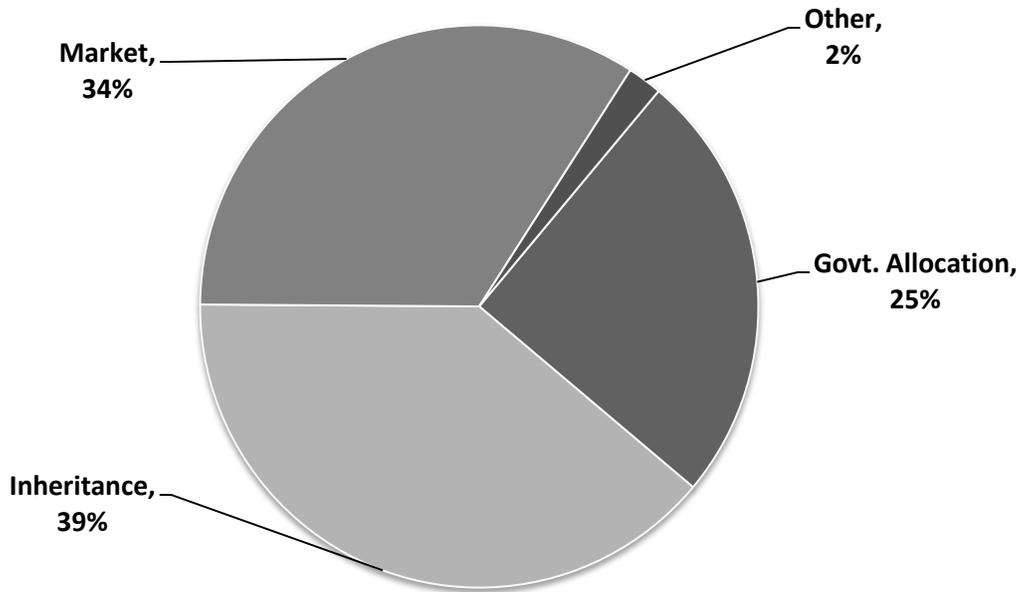
Source: Landesa & UN Women, 2012

Figure 6. Daughters: Do you want to own land? (n=250)



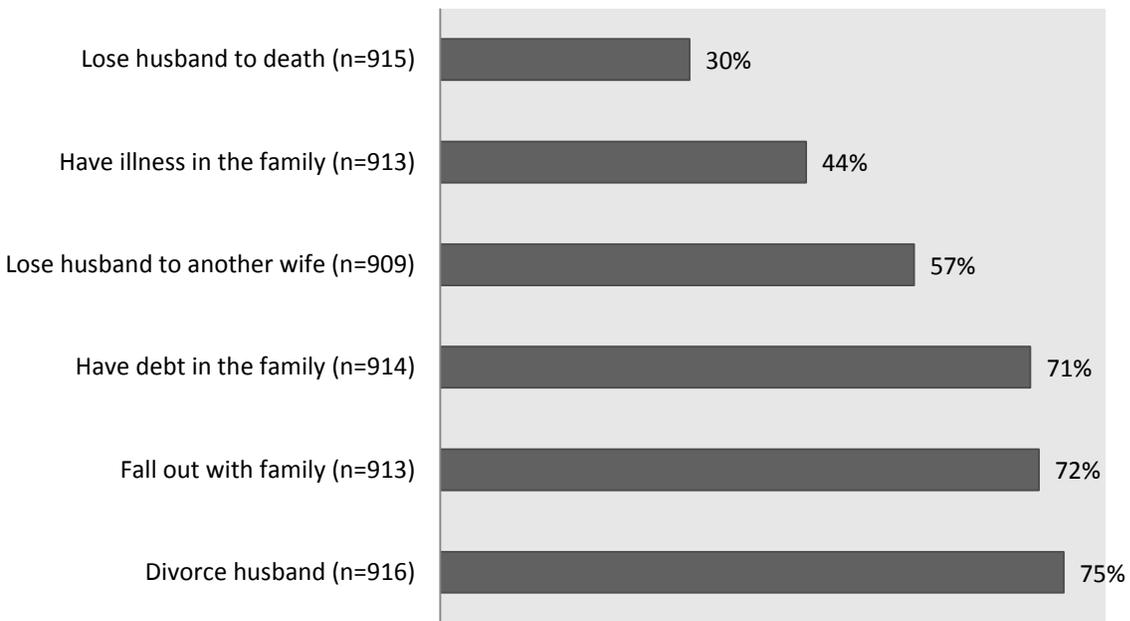
Source: Landesa & UN Women, 2012

Figure 7: How were woman-owned plots acquired? (n=64)



Source: Landesa & UN Women, 2012

Figure 8: Percentage of women indicating they are likely to lose access to this plot if they . . .



Source: Landesa & UN Women, 2012