

GENDER AND LAND TENURE SECURITY

*CHALLENGES
AND BARRIERS
TO WOMEN'S
ENTITLEMENT
TO LAND
IN INDIA*

© UN Women

All rights reserved. Reproduction and dissemination of material in this publication for educational or other non-commercial purposes are authorized without prior written permission from UN Women provided the source is fully acknowledged. Reproduction of this publication for resale or other commercial purposes is prohibited without written permission from UN Women. Applications for such permission may be addressed to info.th@unwomen.org

Published by:
UN Women
www.unwomen.org

Disclaimer: The views expressed in this publication are those of the Rural Development Institute, and do not necessarily represent the views of UN Women, the United Nations or any of its affiliated organizations.

Table of Contents

1. Summary and Key Findings.....	1
2. Background.....	2
3. Methodology and Profile of Sample.....	4
4. Barriers to Women’s Land Ownership	6
5. Women’s Land Ownership and Intra-Household Decision-Making	17
6. Women’s Land Ownership and Children’s Outcomes	19
7. Conclusion	21
8. Recommendations.....	22
9. Resources/References	24
Appendix A: Final Sample Sizes in Andhra Pradesh and Bihar	25

1. Summary and Key Findings

Land is a crucial economic asset for women in poor rural communities: it is a key input for agricultural production; it can be used as collateral to access capital; and, it can generate income directly, if rented or sold. Land can provide women with economic security as they age, or in the event they become heads of households as a result of their husbands' migration for work, abandonment or unfortunate death. Land is a valuable asset for the social access it provides: it can raise women's status in their communities and can help shape women's identity as producers and as productive and deserving members of their families and their communities.

Given the importance of securing women's rights to land as India grows and develops and recognizing the dearth of available data to guide the design of gender-sensitive interventions, this study provides quantitative insights into a number of conditions that currently hamper rural women's land rights. The study seeks to understand women's land rights by documenting how women acquire land, their feelings about tenure security to that land, exploring their knowledge of their land rights, and the extent to which they would like to and expect to gain access to family land through inheritance.

The results discussed in the study are based on a survey conducted in September and October of 2011 with 504 women in Andhra Pradesh and Bihar. We covered two districts in each state. In each district, we selected two blocks, and in each block we choose two Gram Panchayats. We interviewed a total of 504 women in 19 villages. In each village, a stratified sample of land owning households was selected to represent Scheduled Tribes and Castes, Other Backward Castes, the General Caste Hindu population, Muslims, and female headed households. In each family we interviewed the woman and made every effort to interview up to 3 other family members: her husband, her eldest son and her eldest daughter.

Some of the study's key findings are:

- Women-owned plots came from inheritance (39%), the market (34%), or government allocation (25%).
- Only 12% of women respondents reported that they have or believe that they will inherit land from their parents.
- Only 4% of formally titled plots in Muslim families and none of the formally titled plots in Bihar named the woman.
- Joint-titling is virtually non-existent in these two states.
- Women felt their plot access was most vulnerable if they were to divorce their husbands, had a falling out with their family, or their family incurred debt.
- Women who had land under their name were more likely to participate in major plot transaction decisions such as plot sale, plot rental and mortgage, and bequest.
- Sons and daughters of titled women were more likely to achieve at least a middle school education by age 16.
- Children with non-titled mothers speculated that women owning land would cause tension in the family (42%) while those whose mother had land in their name hardly ever cited this as a source of tension in the family (4%).

2. Background

A daughter is equivalent to a son. In her presence, how can anyone snatch away her right over the property?¹

2.1 Why do we care about rural families' land tenure security?

Land is a key social, economic and political asset for rural families. It is a primary vehicle for creating and transferring wealth within the family, for providing sustenance and generating income, for gaining social status and claiming political voice, and for establishing some economic independence (Hanstad et al, 2009). When families have secure rights to land they can make long term investment and production decisions, are more inclined to protect their natural resource base, may benefit from housing opportunities, are more likely to have access to government programs and financial resources, and may engage more fully as citizens.

2.2 Why do women's land rights matter?

In addition to the family benefits mentioned above, ensuring that women, not just their families, have secure rights to land is important because it can enhance women's productive capacity, their wellbeing, and their position within their households and communities: it can grant women direct access to other resources, it can reduce women's vulnerability, and it can enhance women's ability to influence decisions.

Land is a crucial economic asset for women in poor rural communities: it is a key input for agricultural production; it can be used as collateral to access capital; and, it can generate income directly, if it were rented or sold. Land can provide women with economic security as they age, or in the event they become heads of households as a result of their husbands' migration for work, abandonment or unfortunate death. Land is also a valuable asset for the social access it provides: it can raise women's status in their communities and can help shape women's identity as producers and as productive and deserving members of their families and their communities. Secure rights to land are particularly important for women when their families or communities lack formal sources of social security or access to other social safety nets (Giovarelli, 2009).

While strengthening women's land rights is important to improve women's economic and social well-being, its benefits extend well beyond the female direct beneficiaries and can lead to economic and social improvements in their families and their communities. In the past couple of decades, development work around the world has demonstrated that it is important to reach women, not simply households, for practitioners and researchers find that households might not fully share their resources and that it matters who in the household has access and control over assets (Haddad et al, 1997). In particular, studies have shown that improvements on women's land rights can be linked to a number of socially and economically-desirable outcomes. When women's land rights improve: a) women are less likely to report experiencing long-term physical and psychological domestic violence (Panda, 2006; Gupta, 2006); b) their families' nutrition is likely to improve (Allendorf, 2007; Katz and Chamorro, 2002); c) their children's educational achievements are likely to improve (Katz and Chamorro, 2002); d) their fertility is likely to decrease (Field, 2003); and e) women's ability to participate in their households'

¹ Verse 9/130, *Manusmrti*

decision making is likely to increase (Allendorf, 2007). For these benefits to materialize, women's access and control over land must be secure.

2.3 What do we mean by strengthening women's land rights?

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; or, iv) her land rights become more secure.

For her rights to be secure: i) they have to be legitimate; ii) they must not be affected by changes in her social status; iii) they must be enforceable; and iv), her ability to exercise them should not require an additional layer of approval that only applies to women.

First, the degree to which a woman's land rights are legitimate, and therefore secure, depends on who recognizes these rights. That is, whether her land rights are recognized by law, by custom, by her family, and her community. Second, a woman's land rights are secure if they are not vulnerable to changes in her family structure such as the death of her father or husband, or her husband taking a second wife; or, to changes in her community, such as changes in the leadership that granted her those rights. For rights that are granted for fixed period of time, the longer the period, the more secure her rights are. Third, for her rights to be secure, a woman must be able to enforce them. She will be able to enforce her rights if she is aware of where to present a claim, if she can easily get to that forum, if she has the ability and the means to present her claim, if her case will be heard, if the overall process will not take a very long period of time, and if a decision in her favor will be implemented. Last, a woman's land rights are more secure if they can be exercised without being subject to conditions that men are not asked to fulfill such as obtaining the approval and permission of her spouse, father, or other male relative.

Given the paramount importance of securing women's rights to land as India grows and develops and recognizing the dearth of available data to guide the design of gender-sensitive interventions, this scoping research focuses on two critical aspects of women's' land entitlement. We seek insights into:

- a) The formal and informal barriers for women in regards to land ownership
- b) Differences in intrahousehold decision-making and children's outcomes according to women's entitlement.

The remainder of this report is structured as follows. We start by explaining our methodology and presenting a profile of our sample. We then discuss our findings according to these two primary research questions. The report then concludes with concrete next steps for the Indian Government, NGOs and the research community.

3. Methodology and Profile of Sample

3.1 Methodology

The results discussed in the study are based on a household survey financed by UN Women and conducted by RDI in Andhra Pradesh and Bihar in 2001. We selected two districts in each state, taking into consideration the distribution of Hindu and Muslim populations as well as caste differences. In each district, we selected two blocks, and in each block we choose two Gram Panchayats. We interviewed a total of 504 households in 19 villages. Within each village, a stratified sample of land owning households was selected to represent Scheduled Tribes, Scheduled Castes, Other Backward Castes, General Caste Hindu population, Muslims, and female headed households. Given the stratified design of the sample, the results we present have been weighted to reflect the actual population.

In each family we interviewed the woman and made every effort to interview up to 3 other family members: her husband, her eldest son and her eldest daughter. Gathering data from their spouses allows us to do a gender sensitive analysis that takes family dynamics into consideration, and the data from their children gives us some insight into intergenerational variation.

Focusing on families that own land allows us to explore gender differences in land-related decision-making, land documentation, and land inheritance practices. However, our results do not include landless families, something that should be kept in mind when interpreting our findings.

3.2 Profile of the Sample

As Table 1 indicates, the composition of the sample varies by state. The sample in Andhra Pradesh is predominantly Hindu (93%) and more than half of its families are from a Backward Caste (54%). The sample from Bihar, on the other hand, has a considerable representation of families who are Muslim (41%), most of the families are classified as General Caste (64%) and almost all of them are in unregistered marriages (96%).

Table 1 Household-level profile of study sample

	Total Sample (n=504)	Andhra Pradesh (n=248)	Bihar (n=256)
Religion			
Hindu (n=394)	76.2%	93.1%	59.2%
Christian (n=2)	0.4%	0.7%	0.0%
Islam (n=108)	23.4%	6.2%	40.8%
Household Type			
General Caste (n=197)	48.3%	32.8%	63.9%
Backward Caste (n=228)	41.2%	53.9%	28.3%
Female-Headed Household (n=79)	10.6%	13.3%	7.8%
Marriage Status			
Registered Marriage (n=36)	6.3%	10.04%	2.2%
Unregistered Marriage (n=436)	89.1%	82.1%	96.1%
Widow/Separated (n=32)	4.6%	7.4%	1.7%

The slightly higher proportion of registered marriages in Andhra Pradesh might be partly due to its earlier passing of a compulsory marriage law (2002 vs. 2006 for Bihar)².

Compared to men, women are likely to be younger and less educated; they are more likely to be illiterate and to participate in self-help groups. While these patterns hold for both states, self-help groups are more common in Andhra Pradesh and women's illiteracy is noticeably more pronounced in Bihar (67% vs. 6% in Andhra Pradesh). Only a small percentage of the population in both states is literate in English. Andhra Pradesh has high levels of literacy in Telugu while Hindi is the written language of choice in Bihar.

Table 2 Individual-level profile of study sample

	Total Sample (n=929)	Andhra Pradesh (n=453)		Bihar (n=476)	
		Men (n=205)	Women (n=248)	Men (n=220)	Women (n=256)
Age					
Mean age	47.7	50.4	44.3	51.2	45.4
Self-Help Groups					
Are you a member?	17.6%	10.8%	45.3%	3.0%	8.9%
Education					
None (n=594)	63.2%	50.3%	74.1%	51.1%	74.8%
Primary (n=198)	21.1%	20.3%	19.4%	26.5%	18.7%
Secondary+ (n=137)	15.7%	29.4%	6.5%	22.4%	6.5%
Literacy					
Can read & write (n=643)	68.0%	94.8%	94.3%	52.0%	32.7%
-In Telugu (n=401)	44.6%	88.7%	90.8%	0.3%	0.0%
-In Hindi (n=289)	26.6%	11.0%	10.0%	53.3%	32.5%
-In English (n=62)	6.8%	7.6%	3.8%	13.6%	2.9%

² See Andhra Pradesh Compulsory Registration of Marriage Act, 2002. Bihar Marriage Registration Rules, 2006. Both states' compulsory marriage laws apply only to new marriages since the time of adoption.

4. Barriers to Women’s Land Ownership

Extensive field experience suggests that in addition to the insecurities they face for being poor, rural women may face gender-specific barriers to gaining secure access to and control over land: the design and implementation of rural programs may fail to take women into consideration, women may be less aware of their rights, they may have less access to information about land-related programs, they may have to face officers who are gender biased, and they may be affected by cultural, community or family dynamics that discriminate against women as land owners. The data we gathered allows us to explore some of these barriers and offer a quantitative assessment of their relevance within the Andhra Pradesh and Bihar contexts.

We focus our attention on seven possible barriers affecting women’s ability to own land: lack of legal knowledge, gendered norms and attitudes about land ownership, authorities’ recognition of women’s right to own land, gender biases in how families and individuals acquire land, lack of formal documentation, interaction with government officials, and vulnerability to changes in their families.

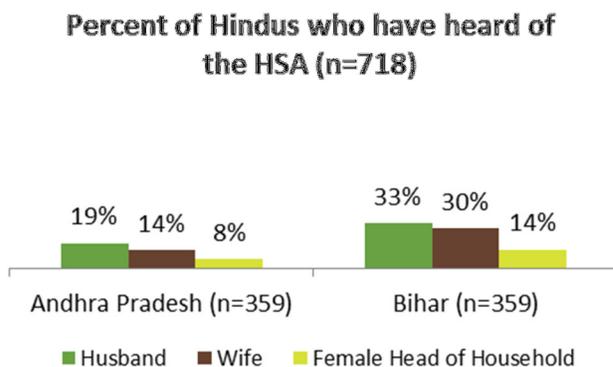
4.1 Legal Knowledge

In India, women’s rights to own and inherit land are largely determined by family law and the law that applies to each family varies according to their religion. With that in mind, this section analyzes families’ knowledge of the laws that affect them: the Hindu Succession Act for Hindus and the Muslim Personal Law for Muslims.

4.1.1 Hindu Succession Act (HSA)

The Hindu Succession Act (HSA) from 1956 consolidated the extant laws on succession and established a uniform and comprehensive system of inheritance for Hindus. The act further intended to specifically improve women’s ability to gain access to land by formally establishing a female’s right to inherit. Under the HSA, when a man dies without leaving a will, his personal property devolves first and equally to “Class I” heirs, a category including widows, sons and daughters. Should no Class I heirs exist; the personal property then passes to Class II heirs in the order delineated in the HSA. While daughters and widows had gained rights to equal inheritance of personal property, one oversight in the HSA was the failure to establish a female’s right to inherit *joint family property* equally. Joint family property was passed on to a group known as the coparcenary that was limited in membership to male heirs, thereby excluding daughters from a share of this inheritance. Later state amendments to the HSA known as the Hindu Succession Act Amendments (HSAA) addressed this oversight, recognizing daughters of coparceners as coparceners themselves and therefore granting daughters inheritance rights equal to

those of the sons. Andhra Pradesh adopted a state-level version of the HSAA in 1986, while Bihar did not adopt the HSAA until its national-level implementation in 2005.

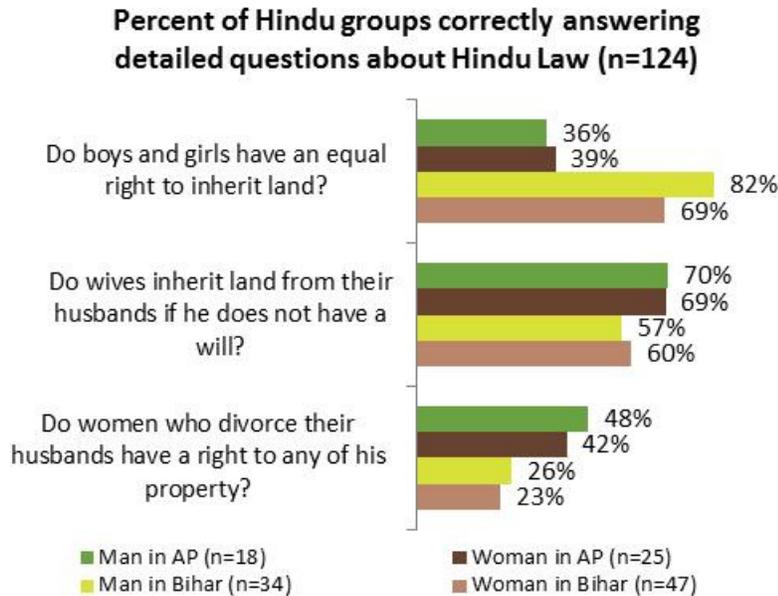


Overall awareness of the HSA was low among the Hindu families we surveyed. Only 22% of the families reported awareness of this law. Disaggregating the results by state of residence we find that people in Bihar were significantly more likely to have heard of the act than those in Andhra Pradesh. This might

be due to their more recent adoption of the HSA. While we do not find significant differences in awareness based on level of education, caste, marriage registration, or age, our findings do point to a considerable gender gap in awareness of the HSA: compared to men, women were less likely to have heard of the HSA and the awareness is even lower among women who do not have a male partner.

We asked those who indicated awareness of the HSA a few questions to probe their basic knowledge of the legal provisions affecting women’s rights to receive land. Because only 3% of the women in female headed households reported knowing about the HSA, the comparison we present below

focuses on husbands and wives’ knowledge of the law.



59% of the Hindu respondents who had heard of the HSA correctly answered that it provides girls and boys an equal right to inherit land, but there was a noticeable difference between the two states with men and women in Bihar much more likely to know this than those in Andhra Pradesh (82 and 69% compared to 36 and 39%). The difference was less pronounced when they were asked about wives’ rights to inherit from their husbands if their husbands die intestate: 62% of the respondents correctly

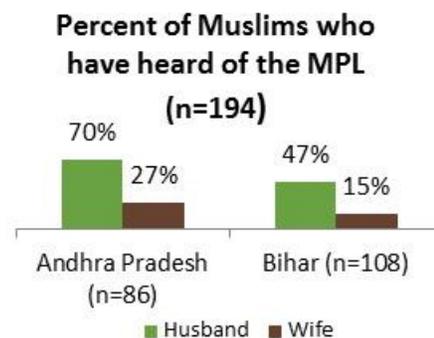
indicated that in that situation, widows and children have the right to inherit equally. It is important to note that by and large, respondents who failed to provide the right answer had indicated that the law entitles the widow to half of her husband’s land—an answer that while incorrect still recognizes widows’ right to inherit. The Hindu Marriage Act governs property in the case of divorce. Only 34% of respondents correctly answered that the divorcee would be entitled to half of the husband’s property. 58% said that the woman had no right her husband’s property while 6% answered that the woman has right to her husband’s property only if he had beat her. The rate of correct responses did not vary between husbands and wives in the two states.

4.1.2 Muslim Personal Law (MPL)

The Muslim Personal Law Application Act of 1937 represents the formal codification of Sharia in India and applies to cases in which the parties are Muslim.

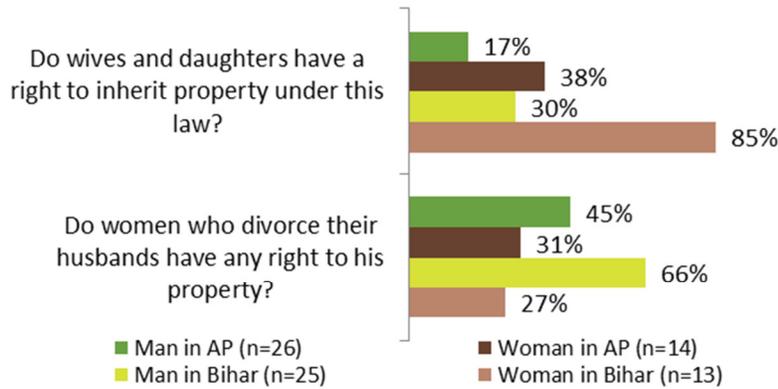
Compared to their Hindu counterparts, Muslim men were noticeably more likely to report that they have heard of the law that applies to their families (50% indicated that they had heard of the MPL versus only 25% of Hindu men who reported hearing about HSA).

However, the gender gap is considerably larger as compared



to the Hindu population. The sample of Muslim female heads of households was quite small (n=11), and so was not included.

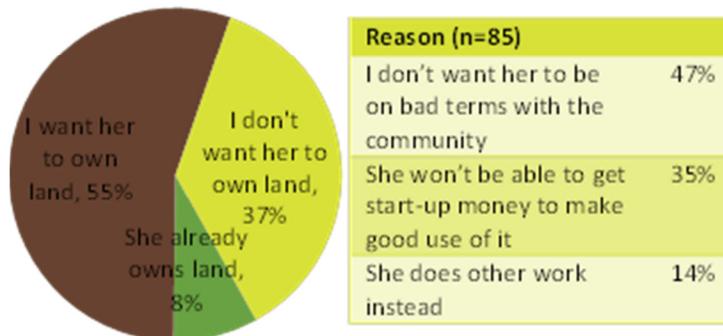
Percent of Muslim groups correctly answering detailed questions about Islamic Law (n=78)



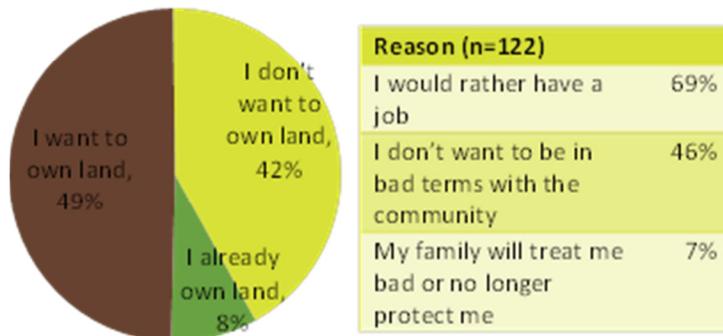
When we asked those who were familiar with the MPL about women’s rights to inherit land, there were striking differences. The majority of respondents understood that wives and daughters had some right to inherit property under the Muslim Personal Law (with only 18% saying wives and daughters had no right to inherit at all) but they were often mistaken about the share to which wives and daughters are entitled. In cases

of divorce, the Muslim Personal Law returns a woman’s personal property, both from before and during the marriage, but she does not have a right to her husband’s property. Men were more knowledgeable about how the MPL applies to property in divorce, answering correctly in over half of the cases. Less than 10% of respondents mistakenly thought the wife would have a right to her ex-husband’s property, with a much greater portion answering that the divorcee would have no rights to her husband’s property at all.

Men: Do you want your wife to own land? Why not? (n=221)



Women: Do you want to own land? Why not? (n=263)



4.2 Norms and Attitudes

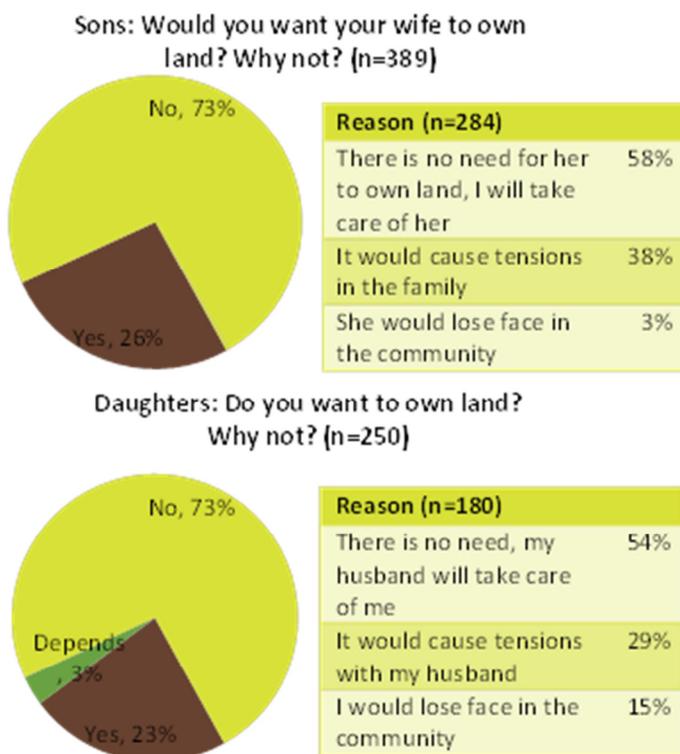
In communities in which economic activities and social responsibilities are strongly defined along gender lines, social norms can influence women’s ability to own productive assets such as land. If the prevalent norms around land ownership are gendered and sufficiently strong, they can shape women’s economic choices by making it too onerous to deviate from what her family and community consider socially acceptable behavior.

Of the women we interviewed, only 12% reported knowing other women who own land and 15% reported knowing women who had inherited land from their parents. Muslim women (4%) were less likely than Hindu women (15%) to know female landowners.

Only 8% of the women in our sample indicated that they currently own land. It is therefore important to probe about the preferences of the remaining 92% —Do they want to own land? What do their husbands say? More than one third of their husbands said they did not want their wives to own land and close to half of them said it was because they did not want their wives to be in bad terms with the community.

When we asked the women, close to half of them said they wanted to own land. 46% of the women who said they did not want to own land said it was because they did not want to be in bad terms with their communities and 7% said that it was because their families will lose their families’ support.

Despite women’s interest in owning land, when we asked women whether they wanted to inherit land from their parents only 19% of women responded affirmatively. Those who did not want to inherit land from their parents said it was because it would them look bad in the community (39%), it would cause problems with their brothers (19%), or it would deprive their brothers of their means to care for their families (16%).



For the men’s perspective, we asked the husbands about their sisters’ interest and ability to inherit land from their parents: 42% of them said their sisters would want to inherit parental land, but 29% of them said this would cause their sisters trouble with their brothers.

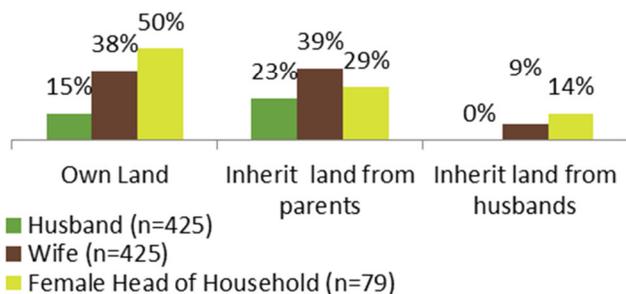
We also asked the eldest sons and daughters and, worryingly, 73% of them said they did not desire to see women owning land. Like the parents, they often reported that husbands take care of their wives and therefore there was no need for women to own land. However, the daughters seemed to be more affected by community pressure, with 15% citing fear of losing face as a barrier to owning land. Sons were more concerned with dynamics within the household, frequently citing tensions in the family.

4.3 Recognition of Women’s Land Ownership

Since women’s rights to land are legitimate only if they are recognized by the relevant public actors, we asked women and their husbands whether women’s rights to own and inherit land were recognized by three overlapping communities that can affect women’s ability to exercise them: the state and national actors who can confer legal recognition, religious leaders, and village leadership who serve as a proxy for local village recognition.

4.3.1 Legal Recognition

Percent of individuals responding that the law does NOT allow women to ... (n=929)

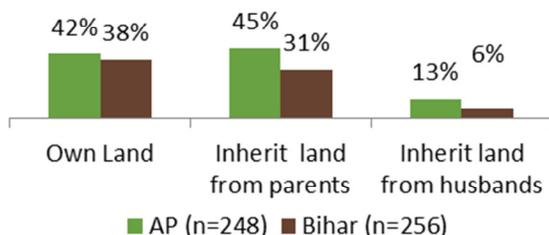


An alarming close to forty percent of the women interviewed said that the law did not recognize their right to own land and the percentage is even higher among female heads of household.

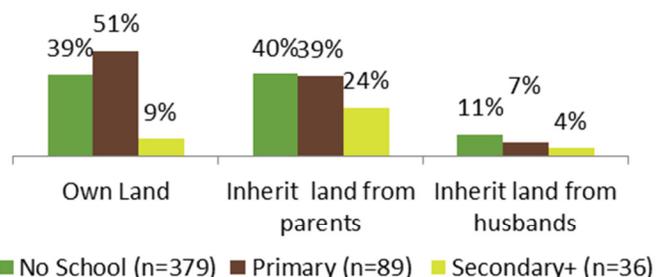
Husbands had a more supportive view, with 85% indicating that women had the legal right to own land.

While the vast majority of those interviewed indicated that women had the right to inherit land from their husbands, more than 20% said the law did not recognize women's rights to inherit land from their parents.

Percent of women by state responding that the law does NOT allow women to ... (n=504)



Percent of women by education responding that the law does NOT allow women to ... (n=504)

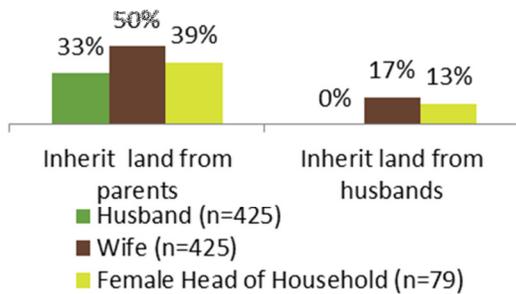


While the patterns are similar for both states, women in Andhra Pradesh were less likely to know they had the legal right to own and inherit land. As expected, women who are more educated are more likely to know about their land rights.

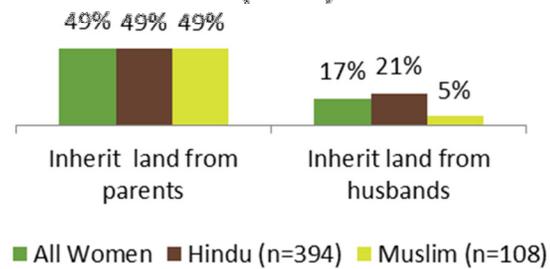
4.3.2 Religious Recognition

About half of the women, both Hindu and Muslim, said that their religious leaders did not recognize women's right to inherit land from their parents and slightly over 20% of the Hindu women said the religious leaders did not recognize their rights to inherit land from their husbands (compared to 5% of Muslim women). On the other hand, their husbands' responses describe a more supportive scenario. While we are unable to distinguish whose perceptions are more accurate, women's behavior and, consequently their demand for land, are likely to be directly influenced by their own perceptions.

Percent of individuals responding that their religious leaders do NOT allow women to ... (n=929)

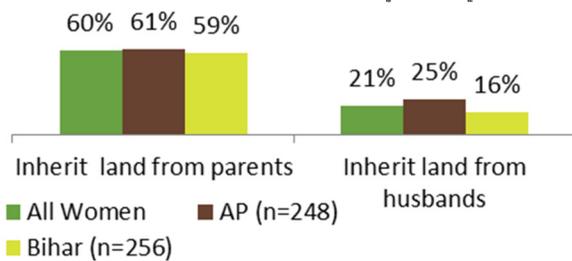


Percent of women by religion responding that their religious leaders do NOT allow women to ... (n=502)



4.3.3 Village Leadership Recognition

Percent of women by state responding that their village leaders do NOT allow women to ... (n=504)



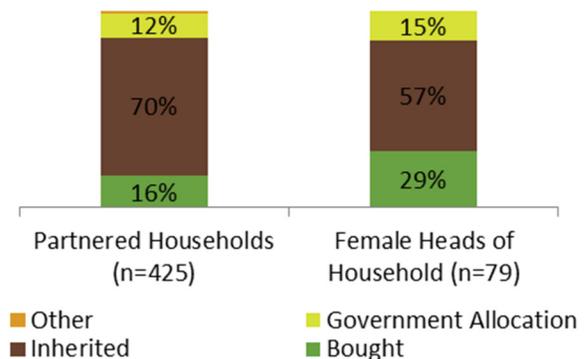
Sixty percent of the women we interviewed indicated that their village leaders did not recognize their rights to inherit land from their parents. This highlights why efforts to strengthen women’s land rights should include interventions that reach out to village leaders with information and gender sensitive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

4.4 Acquisition Methods

Having established that women are much less likely to own land than men, we now explore the avenues through which households come to own land and the extent to which these avenues are gender biased. We asked women how their family acquired each of the plots reported and, whenever appropriate, we report their answers distinguishing the homestead plot from all the other plots. Given our research design, all families have at least a homestead plot.

Inheritance is by far 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 female heads of 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

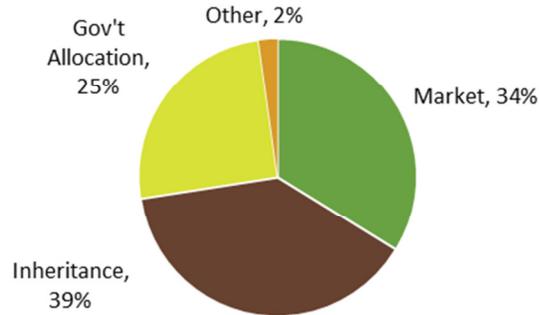
Homestead plot acquisition



accounts for the acquisition of nearly three-quarters of non-homestead plots even in female-headed households.

Seven percent of the plots in our sample are owned by women compared to 84% owned by their husbands. Women's plots were acquired through inheritance, market purchases, and government allocation.

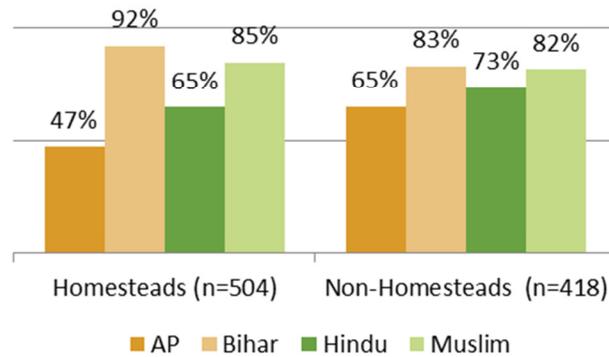
How were woman-owned plots acquired? (n=64)



4.4.1 Inheritance

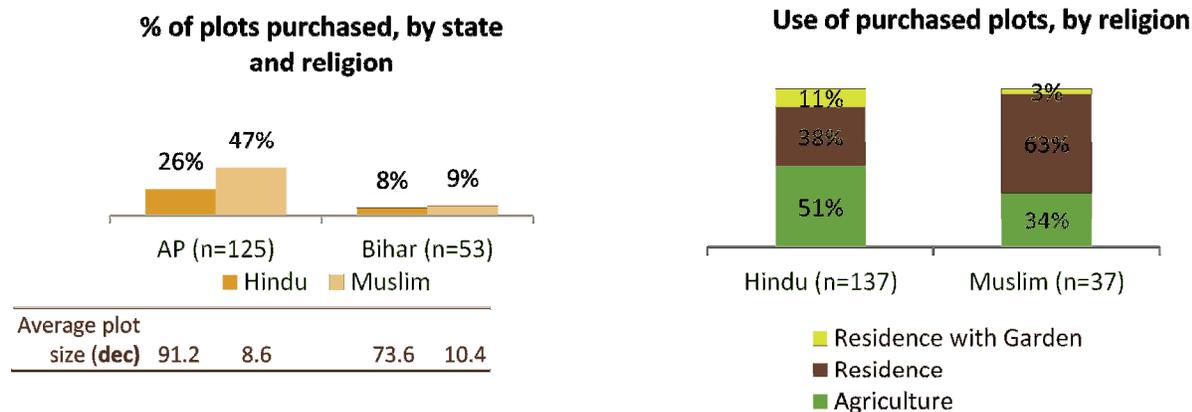
Families are noticeably more likely to inherit plots in Bihar than in Andhra Pradesh. Interestingly, the plots that families inherit in Bihar are more likely to be homesteads while families in Andhra Pradesh are more likely to inherit non-homestead plots. These differences are likely influenced by the religious profile of each group because the same patterns emerge when we split the sample by religion: with Muslims more likely to rely on inheritance than Hindus, and more likely to inherit homestead plots.

Inherited plots by type, state and religion



4.4.2 Market

Families were just as likely to purchase homestead plots as to purchase agricultural plots, but those in Andhra Pradesh were more likely to buy plots than those in Bihar. And, while Muslims were more likely to buy plots than Hindus, the plots that Muslims bought were noticeably smaller and were more likely to be used as residence. In contrast, Hindu families bought larger plots on average and were more likely to use these plots to farm.

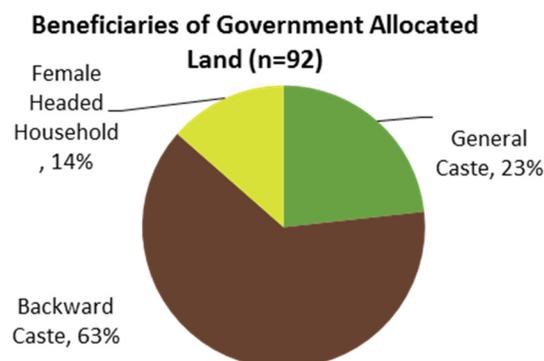


Female headed households were over twice as likely to rely on the market to access land (36% compared to 17% of plots in dual-headed households). The land they purchased was often used for market agriculture (39%) or as a residence (37%).

4.4.3 Government Allocation

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 families reported were acquired through the government and that the number is considerably higher, 25%, among women-owned plots, suggesting that government programs may be partially addressing some of the gender biases in land markets and inheritance.

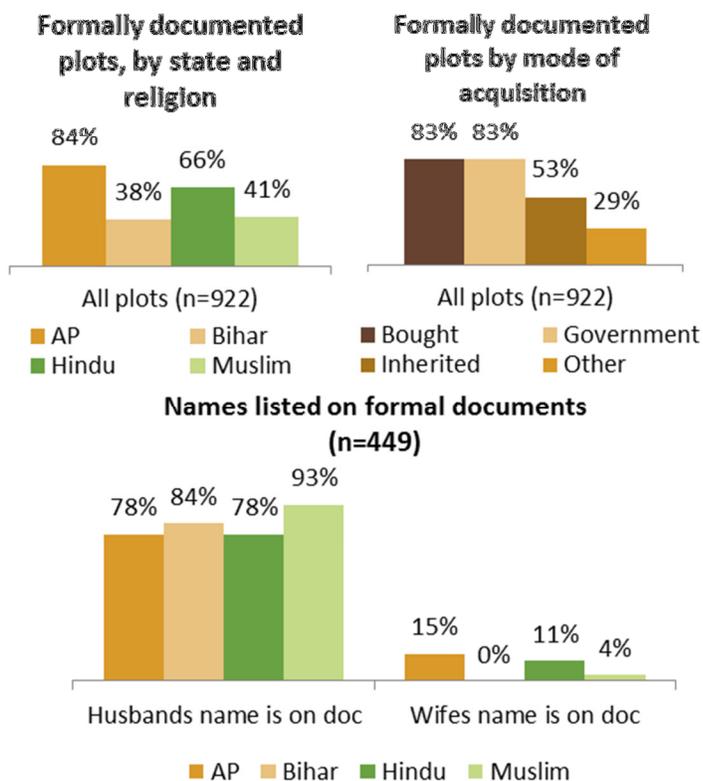
They have also reached some of the most vulnerable sectors of the population as the families who reported receiving government land were of a backward caste in 63% of the cases and female headed households in 14% of the cases. In total, almost 20% of the families we interviewed had received government land. Those plots were typically homestead plots (78%) and had an average size of 31.6 decimals.



4.5 Documentation

Obtaining a title deed for a property in India can be cumbersome and onerous, giving rise to ways of circumventing the formal process by relying instead on 'white paper' transactions. Even when formal processes to record land allocations or purchases are started, they are not always completed. In fact, only 60% of the plots reported in our survey are formally documented with a title or a patta. A 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 (7%).

The results vary by state, religion and mode of acquisition, with plots in Andhra Pradesh more likely to be documented than those in Bihar, with Hindus more likely than Muslims to have documented land, and with plots more likely to be documented if they were purchased or obtained from the government than if they were inherited.



While knowing that the household has a formal document to prove ownership of a plot is helpful, it is important to examine whether women’s names are included in those documents. For the purpose of the analysis we took a conservative approach and considered only the plots for which women’s responses coincided with what their husbands said.

The contrast is stark. Women’s names are included in less than 10% of the documents while their husbands’ names appear on 80% 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 adult woman.

And 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 16-17% when the plot was acquired through a market purchase or government allocation) and even less so when we looked at informal documents such as wills or white papers where women were named in less than 1% of the cases compared to 79% 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. All six confirmed instances in which husbands and wives agreed that the plot was title jointly occurred in AP.

4.6 Interactions with Government Officials

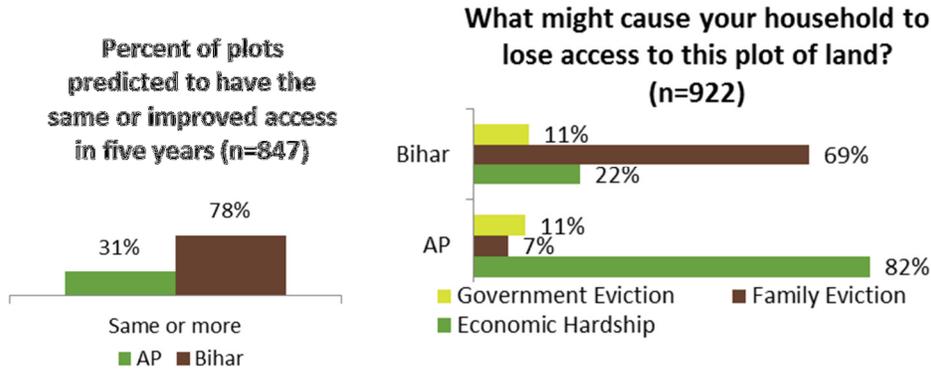
Land ownership often entails interacting with government officials to ensure that the paperwork is in order or to record land transfers. If women are not in the habit of interacting with Revenue Officials, then this may affect their ability to gain access to and/or maintain control over land. We asked women if they had gone to the Revenue Office and if so, if they had gone alone or in the company of a male relative. The latter allows us to see how dependent they are on male relatives to be able to access land related services.

Table 3 Percentage of women who have visited the local Revenue Office

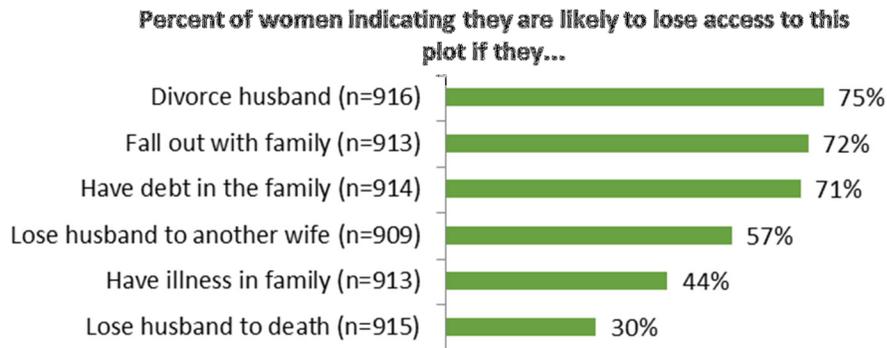
	Total Sample (n=504)	Hindu (n=394)	Muslim (n=108)	Andhra Pradesh (n=248)	Bihar (n=256)
Yes, I have gone alone	21	20	21	26	16
Yes, with a male relative	18	16	25	19	17
No, I have not gone	61	64	54	55	67

4.7 Perceptions of Land Vulnerability

Respondents from Andhra Pradesh appear to be under pretty 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. While considerably higher at 78%, the equivalent figure for Bihar leaves ample room for improvement.



When asked about the reasons why they may lose access, the most common answers were economic hardship, eviction by the extended family or clan, and government eviction. As the graph indicates, the perceived threats for families in Bihar are very different from those for families in Andhra Pradesh: Respondents from Andhra Pradesh were overwhelmingly more concerned about economic hardships, while those in Bihar felt a stronger threat from family members. Widows were most concerned about economic hardships (70%) and less so by possible family eviction (20%).



Even when their households have secure tenure, women may end up losing access to a plot. Our respondents indicated that women are particularly vulnerable to changes in their family structure (close to 80% said they would

be likely to lose access to the plot 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 over 25% of them said they would lose access if their husbands died. Debt and illness in the family were also a considerable source of risk.

Percent of women indicating they are likely to lose access to this plot, by Religion, State, and Head of Household Status

	Divorce husband	Fall out with family	Have debt in family	Lose husband to another wife	Have illness in family	Lose husband to death
Hindu	75	73	67	58	50	33
Muslim	72	67	85	48	16	17
Andhra Pradesh	66	71	71	55	68	36
Bihar	84	73	70	58	21	24
Dual-headed	76	72	73	56	42	28
Female head of household	63	70	51	61	62	44

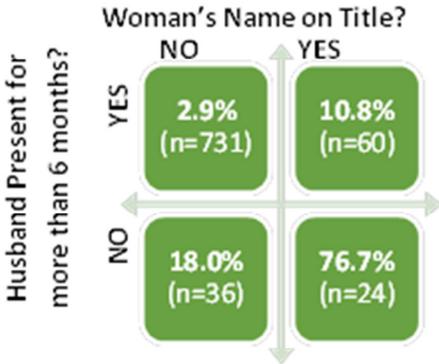
5. Women’s Land Ownership and Intra-Household Decision-Making

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. We look at land-related decisions and examine the extent to which women’s participation in the decision-making process is correlated with whether or not she has land under her name. Since women in de-facto female headed households – those in which husbands were absent for at least half of the year – are more likely to make daily decisions, we also account for the type of household.

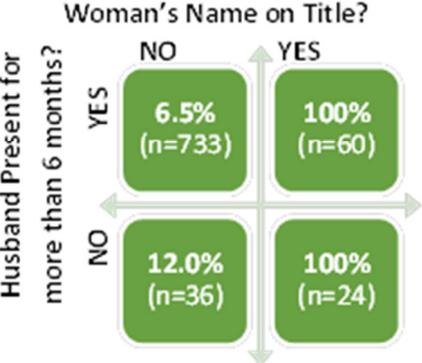
5.1 How will this plot be used?

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 or not they had a husband at home, women whose names were on the documents were more likely to take part in decisions about plot use: 11% versus 3% in de-facto female headed households and 77% versus 18% in dual headed households.

% of women making plot use decision (n=851)



% of women making product sale decision (n=853)

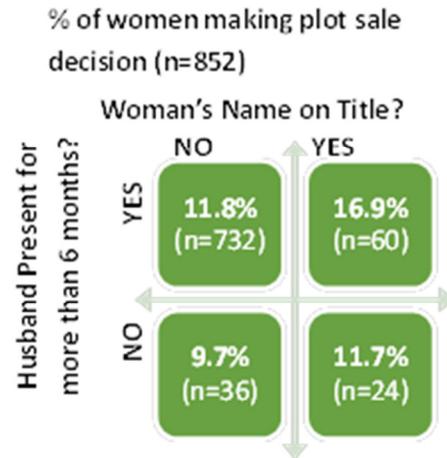


5.2 Which products should be sold?

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 on their name, however, were much less likely to be involved in the decision making process: 12% if they were de-facto heads of household and only 7% if their husbands were present.

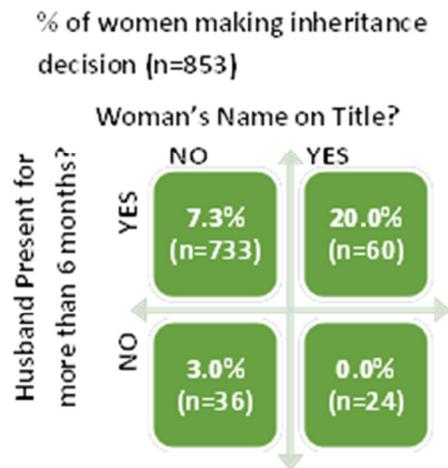
5.3 Who can sell this plot?

Overall, women's ability to sell the plots was very low but slightly higher for women who had their names on the document. These results should be interpreted with two caveats in mind. First, most families have not sold their plots in the past, and these answers are based on hypothetical situations to which they may not have paid much attention prior to this survey. Second, their responses may be taking into account legal constraints, social norms, and market conditions, in addition to family dynamics.



5.4 Who can mortgage or rent this plot?

Only 4% of the women said they could rent or mortgage a plot. None of these women were de-facto heads of household.



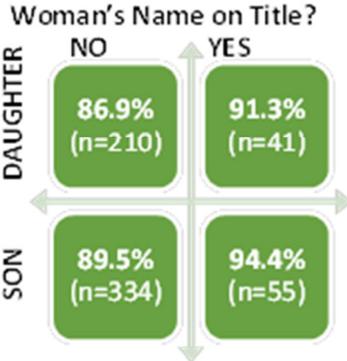
5.5 Who decides who can inherit this plot?

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. Women were more likely to be involved in the decision if their husbands were present and those whose name was on the title even more.

6. Women’s Land Ownership and Children’s Outcomes

In this section we compare household behaviors and outcomes for families in which women have land under their name to families in which they do not. The results should be interpreted with caution because of the small percentage of families in which women’s names are included in the land documents and also because those families are more likely to live in Andhra Pradesh, to be Hindu and to share other characteristics for which we have not accounted.

% of children attaining at least middle school education (n=639)

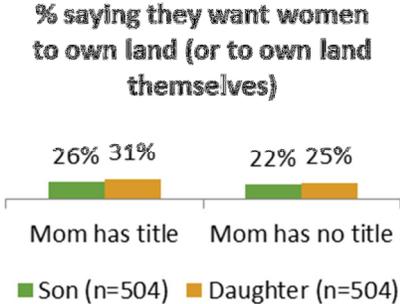


6.1 Education

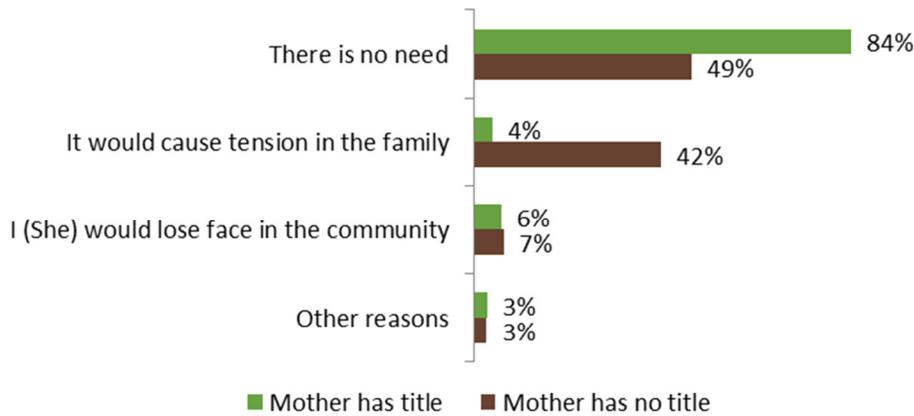
Children’s educational achievement was generally good, although girls were slightly less likely than boys to have completed middle school. The numbers were a few percentage points higher for children whose mother had titled land.

6.2 Children’s Attitudes about Women’s Right to Land

We asked daughters whether they would like to own land and then asked the sons whether they would agree to their sisters having land. About one fourth of them responded yes. The numbers are slightly higher when their mothers are land owners but the difference is not significant.



**Childrens' reasons for not wanting women to own land,
% citing (n=863)**



Because the majority of the daughters said they did not want to own land and a similar proportion of the sons said they did not want their sisters to own land, we looked at their reasons. While the majority said that women did not need to own land because their husbands should take care of them, 42% of the children whose mother had no land

document said it would cause tension in the family and 7% said they would lose face in the community. Interestingly, children whose mother had land documents were unlikely to say this would cause tension in the family.

Finally, we asked children about inheritance rights. Only 27% of them said boys and girls should inherit equally. This was more likely the case among Hindu children (31%) than among Muslims (15%). They were noticeably more likely to support equal inheritance rights when their mothers had documents (43%) than when they did not (25%).

7. Conclusion

The initial picture that emerges from our analysis points to both areas where women rights are making progress and areas where women's rights to and control over land need improvement. With respect to progress, our results show that government allocated land is more likely to have a woman's name appear on the ownership document than it is to appear on other land ownership documents (title deeds) and that when a woman has a document in her name she is more likely to interact with Revenue Officials.

The gap in documentation and titling is one area for improvement. Our study finds that over 30% of the households interviewed lack official documentation in the form of titles or patta to prove their rights to land. The gap seems to be wider in Bihar than in Andhra Pradesh and more pronounced for Muslim women than Hindu women.

Women face many disadvantages, even if they belong to a household that has land documents; in 78% of cases, the women in our sample had no land document in their name. This gender gap in ownership is not due to disinterest, as we have encouraging results that women want to own land.

We see that women's effective rights to land (as proxied by having documents and perceptions of whether or not she has the ability to sell land or make decisions about its use or inheritance) are weak across the board. Effective land rights appear weaker if women are Muslim, are illiterate and when their names are not on documents.

Finally, a high percentage of women (61%) do not interact with Revenue Office officials. A women's engagement with government officials is important to larger governance issues and can open doors to other kinds of benefits and information sharing that only interacting with government officials can provide. When women have restricted access to information or cannot avail themselves of government goods and services, they may become further marginalized.

8. Recommendations

Based on the results described above and feedback we received from national and international agencies at a workshop organized by UN Women in March, we propose a five-prong approach to address the gender gap in land ownership and to increase women's ability to exercise their rights to land.

First, it is important to ensure that government services that affect women's access to and control over land are provided in a gender-sensitive manner. This entails building the capacity of the Revenue administration, at all levels of the hierarchy. Officers need to understand why it is important to protect and enhance women's access to land, how their actions might currently hamper this access, the responsibility they have to implement guidelines in a gender-sensitive way, and how they can do it.

Capacity building exercises 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 that men and women can access, such as the television. Capacity building exercises should also equip officers to make the necessary adjustments to the tools, guidelines, or processes that fall under their responsibility. The patta ceremonies in West Bengal and Orissa are an example of a simple but innovative government effort supported by RDI to improve women's effective access to land whereby male and female beneficiaries sign their patta and receive the document at a well-attended public act, ensuring not only that women's rights are captured in writing, but also that women, and their families and their communities, know they have become landowners.

Second, 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. This is the case, for instance, of the Women's Land Rights Facilitation Center in Orissa that was specifically created by the Revenue administration with support from RDI to improve women's ability to gain rights to land.

Third, it is vital to supplement these measures with interventions designed to increase communities' awareness of women's rights to land and women's ability to exercise these rights. Examples of the former include legal education centers and awareness-raising campaigns. Examples of the latter include legal aid centers, community-based paralegals, and behavioral-change tools. The community-based paralegal model implemented by APMSS in Andhra Pradesh, with support from RDI, is particularly attractive in settings where there is a network of SHGs. 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 the women who become paralegals because they 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 assistance from RDI, can empower communities to find ways of addressing strongly held norms that prevent women from gaining access to and control over land.

Fourth, while this study describes how women understand their land rights and perceive their land tenure security, it is important to carry out additional exploratory research to identify the bottlenecks

and attitudes preventing women's full engagement with their land rights: what elements of the documentation and government allocation processes may discourage or prevent women from participating? How and under what circumstances are women better able to advocate for themselves and their daughters with respect to inheritance? What loopholes allow local officers to deviate from processes designed to deliver gender-sensitive services? Answers to these and similar questions can guide the design of effective gender-sensitive and inclusive interventions to secure the land rights of poor, rural women. Including landless women within this research agenda is a must.

Finally, designing and implementing management information systems can allow decision-makers within the Revenue administration to obtain timely and useful data on key areas of their service delivery. Aggregating or disaggregating this data as needed can guide management and policy decisions to offer gender-sensitive services by eliminating bottlenecks, correcting processes or their implementation, measuring progress, and providing incentives that encourage the type of change needed.

9. Resources/References

Agarwal, Bina. 2002. "Are we not peasants too? Land rights and women's claims in India." *SEEDS* 21. New York: Population Council.

Allendorf, Keera. 2007. "Do women's land rights promote empowerment and child health in Nepal?" *World Development* 35(11): 1975-1988.

Chowdhry, P. 2011. *Reduction of Violence Against Women: Property Ownership and Economic Independence in Rural Haryana*. New Delhi: UN Women.

Field, Erica. 2003. "Fertility Responses to Land Titling: The Roles of Ownership Security and the Distribution of Household Assets." Cambridge, Massachusetts: Harvard University.

Giovarelli, Renee. 2009. "Gender and Land Tenure Reform." In: Roy L. Prosterman, Robert Mitchell and Tim Hanstad (Eds). *One Billion Rising: Law, Land and the Alleviation of Global Poverty*. Amsterdam: Leiden University Press.

Gupta, Jayoti, 2006. "Property Ownership of Women as Protection for Domestic Violence: The West Bengal Experience." In: Property Ownership and Inheritance Rights of Women for Social Protection – The South Asia Experience. International Center for Research on Women.

Haddad, L. Hoddinott, J., & Alderman, H. (1997) Introduction: The Scope of Intrahousehold Resource Allocation Issues. In: L. Hassas, J. Hoddinott, & H. Alderman (Eds.), *Intrahousehold Resource Allocation in Developing Countries: Models, Methods, and Policy*. Baltimore, Maryland: The Johns Hopkins University Press.

Hanstad, Tim, Roy L. Prosterman & Robert Mitchell. 2009. "Poverty, law and land tenure reform." In: Roy L. Prosterman, Robert Mitchell and Tim Hanstad (Eds). *One Billion Rising: Law, Land and the Alleviation of Global Poverty*. Amsterdam: Leiden University Press.

Katz, Elizabeth, and Juan Sebastian Chamorro. 2002. Gender, land rights, and the household economy in rural Nicaragua and Honduras. Paper prepared for USAID/BASIS CRSP. Madison, Wisconsin.

Khan, Hooria. 2011. Sindh Land Distribution Program: Impact and Challenges. Conference paper presented at "Gender-based Violence and Justice in South Asia" New Delhi: 22nd and 23rd October.

Panda, Pradeep, 2006. "Domestic Violence and Women's Ownership: Delving deeper into the Linkages in Kerala." In: Property Ownership and Inheritance Rights of Women for Social Protection – The South Asia Experience. International Center for Research on Women.

Panda, Pradeep & Bina Agarwal, 2005. "Marital Violence, Human Development and Women's Property Status in India." *World Development* 33(5).

Saxena, N.C. Women and Forests in India. Draft.

Appendix A: Final Sample Sizes in Andhra Pradesh and Bihar

State	District	Block	Gram Panchayat	Village	Total	FHH	General	OBC	SC	ST	Muslim	
Andhra Pradesh (248)	Mehbubnagar (128)	Amrabad (64)	Mannanur	Mannanur	32	4	7	7	7		7	
			Udimilla	Udimilla	32	4	7	7	7		7	
		Veepangandla (64)	Dagada	Dagada	32	4	7	7	7		7	
			Lakshmipalle	Lakshmipalle	32	7	5	7	7		6	
	Vishakhapatnam (120)	Natha Varam (60)	Gummidigoda	Gummidigoda	30	7	7	5	5	6		
			Valasampeta	Valasampeta	30	5	5	5	5	5	5	5
		Padman Abham (60)	Gandhavaram	Gandhavaram	30	8	1	5	5	4	7	
			Krishnapuram	Krishnapuram	30	4	6	5	5	5	5	5
Sub-total: Andhra Pradesh					248	43	45	48	48	20	44	
Bihar (256)	Kishanganj (128)	Daghal Bank (64)	Karua Mani (64)	Garban Danga	32	4	7	7	7		7	
				Karua Moni	32	4	7	7	7		7	
		Pothia (64)	Nowkatta (32)	Keswa Kaliagunj (32)	Keswa Kaliagunj	32	4	7	7	7		7
				Nowkatta	18	4			7		7	
	Siwan (128)	Daraundha (64)	Korari Kalan (32)	Pothia	14	1	6	7				
				Keati Varouli	6						6	
				Ramachapra	26	6	5	7	7		1	
		Guthani (64)	Sirsawan (32)	Ujaen	32	4	7	7	7		7	
				Barpalia (32)	Barpalia	25	4		7	7		7
	Jataur (32)	Jataur	32	4	7	7			7			
	Sub-total: Bihar					256	35	53	56	56	0	56
Overall					504	78	98	104	104	20	100	