

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

**GOVIND KELKAR**  
[govindk@landesa.org](mailto:govindk@landesa.org)

**LANDESA, NEW DELHI**

**A version of this paper was presented at the  
WORLD BANK CONFERENCE ON LAND AND POVERTY  
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.

**I. Introduction**

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.

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 further explores how women acquire land, their aspirations for economic security with land tenure, their knowledge of land rights and the extent to which they would like to and expect to gain access to family land through inheritance.

## **II. 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 beneficial effect on the household members and children's nutritional status in all three regions (Smith et al., 2003)

The struggle for women's property rights and their ownership of land has been a subject of policy debate over the course of the twentieth century; and these rights still have not been achieved in India and in all South Asian countries. Some recent stories point out that traditional customs and practices about male preference in inheritance and male bias in state programmes on land distribution and land markets have increased women's vulnerability to experiencing access to productivity increasing technologies (Bhatla et al., 2006; Kelkar, 2007; Kelkar & Krishnaraj 2013; Shapiro & Wolff, 2001; World Bank, 2008). Many of these analyses have further demonstrated 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)

Women's effective entitlement to land and productive assets is one of the main forms of addressing gender inequality. Women in rural areas of Andhra Pradesh, Haryana, Maharashtra and Uttar

Pradesh reported the following benefits from plots titled solely in the women's name (Women farmers' Conclave, 2013; Kelkar, field notes 2012):

- Sole ownership of land by women increases their productive possibilities and livelihoods; have access to credit, technology assistance and greater information.
- With land in her independent name, a women receives more respect from her husband, her children and her community.
- With land titled in her name, a woman is in a position to escape violence and avoid marital conflict.
- Land titled in the woman's name reduces the risk of her eviction from the marital household.
- With land titled in her name, a woman is in a position to decide on land-use priorities and prevent from selling land without her knowledge and approval.
- Land titled in the woman's name enhances her self-esteem; she is recognized as a farmer and is more likely to access institutional credit for increasing production and productivity from land.

Traditional communities have collective strength which is acknowledged by civil society organizations. Some may have progressive views and approaches to sustainable resource management. But all is not well with traditional communities. Most of them are ridden with social norms and values that tend to ignore gender inequalities in socio-economic governance 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.

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 percent, which could in turn reduce the number of hungry people in the world by 12 – 17 percent (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.

### **III. 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 the case of Latin America, the signing CEDAW has had a significant effect 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 partition-able 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. Using the National Family Health Survey, Sanchari Roy (2008) shows that endowing women with equal inheritance rights enhances their autonomy within their marital homes. . 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).

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 (Mitchell and Espinosa,2009). Over 5000 women got land in their independent names. The states of Gujarat, Karnataka, Kerala, Bihar, Tamil Nadu and Odisha offer similar examples of land transfers in women's names, though on a smaller scale. 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.

#### **IV. Relevant Research on Gender Disparities in Productive Assets**

The first area of research sees the link between women's assets/land ownership and its social, economic outcomes for the household. That women accord higher values to family needs and for children's welfare. In China, a higher share of agricultural resources with women following agricultural reforms resulted in increasing the survival rates for girls (Qian,2008). In India, women's plot ownership in rural West Bengal significantly increased investment in girls' schooling, and their husbands felt that the standard of living of their households had improved

due to ownership of land by women ( Galab and Revathi, 2011). Importantly, there is evidence that women are more likely than men to transfer their property rights to daughters or to include both sons and daughters as heirs (Deere and Leon 2001; Galab and Revathi 2011; Kelkar and Nathan 2003; Kelkar field notes 2013). Thus strengthening women's position as landowners supports a gender responsive inclusive growth and creating a culture of equality.

A second area of research looks into the implications of women's inequality in intra-household allocation of assets and decision-making. The unitary model of household (i.e., the household as a collection of individuals who have corporation and share a single set of interests without conflict or inequality among the members) has been increasingly questioned (Sen, 1990; Agarwal, 2002; Kabeer, 1999; Kelkar, 1993; Kelkar & Nathan, 2003). Analysis has shown that if household allocation of assets is not gender balanced, it may result into limiting women's bargaining power ; inter- spousal decisions about control over 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). Generally, cultural and social norms influence gendered behavior on building assets, such as savings for a dowry, education of children or supporting a family member in crisis period. Notwithstanding there are enhanced aspirations of women to own and manage such assets without intervention from head of the household or other male members of the family. 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 are no longer seen as the influencing factor when women own and manage land. My field work findings 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 exclusive titles to land in their names women acquire capability to address 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 cordial 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?

## **V. 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.

**Box 1: The study's key findings:**

- Women-owned plots came from inheritance (40%), the market (34%), or government allocation (26%).
- Only 12% of women respondents reported that they have inherited 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 the two states of Andhra Pradesh and Bihar.
- Women felt their plot access was more vulnerable if they were to divorce their husbands, had a falling out with their family or their family incurred debt.
- Women who had land in their name were more likely to participate in decisions regarding major plot transactions 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%).

**Source: Landesa-UN Women, 2012:5**

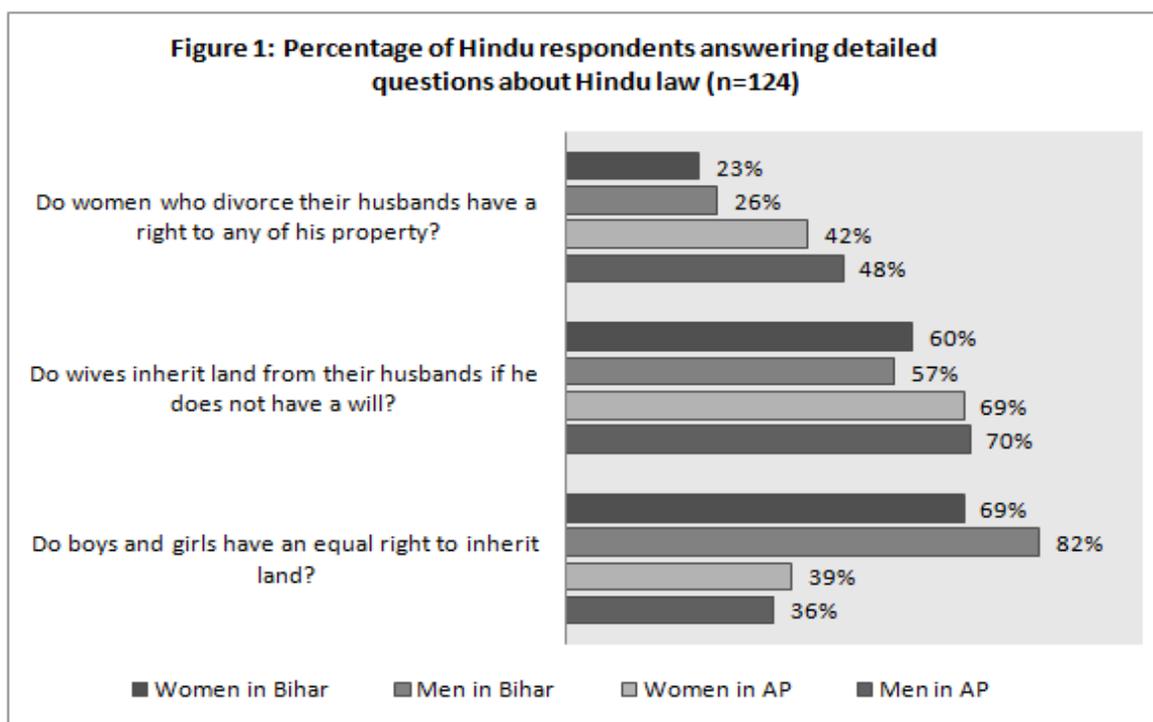
The remainder of this section describes findings related to eight factors that appear to constrain women's ability to own land: lack of legal knowledge; social norms and attitudes; perceived lack of recognition of women's right to own land; inheritance practices that disfavor women; lack of formal documentation; interactions with government officials; perceptions of vulnerability to losing land; and lack of equal authority regarding decision on land use.

**1). 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. Joint family property was passed on to a group known as the coparcenary, which was limited in membership to male heirs, thereby excluding daughters from a share of this inheritance. The Hindu Succession (Amendment) Act of 2005 (HSAA) corrected this neglect of the daughter's right and recognized daughters as coparceners thereby according daughter's 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 HSAA was low among the Hindu families we surveyed, as illustrated in Figure 1. Only 22 percent of the families reported awareness of this law. Fifty-nine percent of the Hindu respondents who had heard of the HSA correctly answered that it provides girls and boys an equal right to inherit land. 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% of men and 69% of women in Bihar compared to 36% of men and 39% of women in Andhra Pradesh). The difference was less pronounced when they were asked about wives' rights to inherit from their husbands if their husbands die intestate: 62 percent of all respondents indicated that in that situation, widows and children have the right to inherit equally. Importantly, a large number of interviewees did not give the right answer and indicated that the law entitles the widowed woman to half of her husband's land—an answer though legally incorrect still recognizes single woman's right to inherit land after her husband's death. In case of divorce 34% of respondents correctly answered that the woman would be entitled to half of the husband's property; 58% said that the divorced woman has no right to the ex-husband's land or property.

The Muslim Personal Law Application Act of 1937 is the codified Sharia in India and governs Muslim communities in the country. Interestingly close to 50 percent Muslim men indicated that they had heard of the Muslim Personal Law (MPL) as against only 25 percent of Hindu men who reported hearing about HSA. About 70 percent of Muslim respondents understood that women have some right to inherit property under the MPL but they were often mistaken about the share to which wives and daughters are entitled (18 percent of Muslim men maintained that wives and daughters have inheritance rights). In cases of divorce, the MPL provides for the woman's personal property, both from before and during the marriage, but she does not have a right to her husband's property. Less than 10% of Muslim men mistakenly reported that on divorce, the ex-wife would have a right to her ex-husband's property; a majority of them maintained that the divorced woman would have no rights to her ex-husband's land or house.



Source: Landesa & UN Women, 2012

**2). Social Norms:** One of the major contributions of feminist analysis in recent decades has been to challenge the ideology of familism, with a male household head whose decisions are based on altruism, rather than self-interest. The households in the feminist analysis are correctly characterized hierarchy and inequality. A demand for women's rights to land is likely to question patriarchal social norms on two levels: 1) property ownership by women; and 2) the ideological system of the traditional Hindu family which maintains that women's dependency on men is natural and is closely linked with sustaining the structural cohesion of the family.

Of the total number of 504 individuals, only 8% of the women in the sample indicated that they currently own land. It was therefore important to probe about the preferences of the remaining 92%: Did they want to own land? What did their husbands say? Not surprisingly, more than one-third of their husbands said they did not want their wives to own land. Close to half of the husbands who did not want their wives to own land said it was because they did not want their wives to be in "bad terms" with the community.

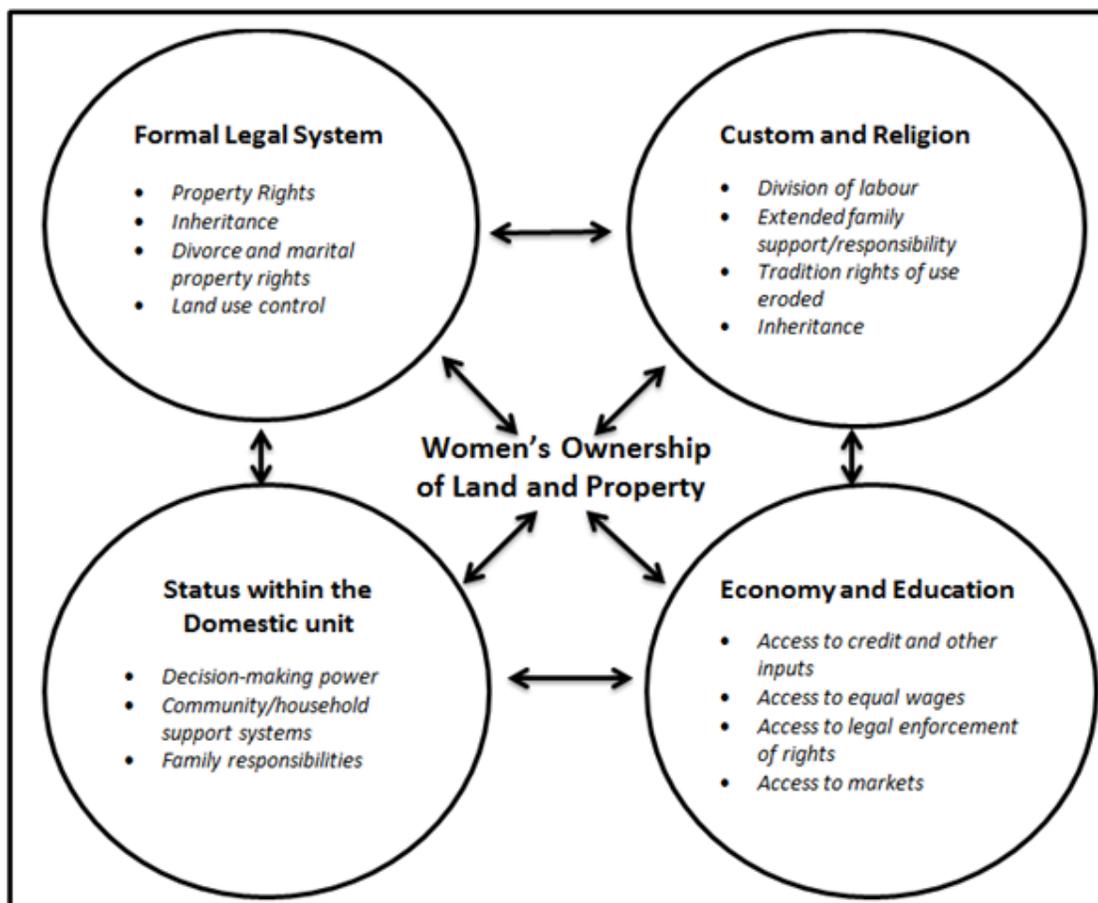
As against the male responses, close to half of the women said they wanted to own land. Forty-six percent of the women said that any claim for land from their parents or brothers would result in their bad terms with their communities, and 7 percent of the women clearly stated that land ownership will result in losing their family support. When asked whether women wanted to inherit land from their parents, only 19 percent of women were affirmative in their response. Women who did not want their parents to will lands in the daughters' favor said it was because it would make them look bad in the community (39%); it would cause tension with their brothers (19%). Surprisingly, 16 percent women responded by saying that land ownership by them would deprive their brothers of their means to care for their families and 26 percent preferred not to discuss the subject.

When the men were asked about their sisters' interest and ability to inherit land from their parents: 42 percent of them said their sisters would want to inherit parental land, however 29 percent of them maintained that such actions would cause problems for women with their brothers.

Worryingly, 74% of both sons and daughters 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. While, the girls seemed to be more concerned about community pressure, with 15% citing fear of losing face as a barrier to owning land. Boys were more concerned with traditional norms about denying women land in their own names, citing the reasons of causing tensions in the family.

As shown in the figure 2, the formal and informal institutional systems pose a challenge to women in realizing their rights to land and property.

Figure: Institutional barriers preventing women's equal ownership of land and property



Source: Adapted from FAO.2002. Gender and Access to Land. Land Tenure Series 4. Rome,Italy.

**3). 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, close to 40% of the women interviewed said that the law did not recognize their right to own land, and the percentage is even higher among women heads of household. Husbands had more knowledge of the legal measures, with 85% indicating that women had the legal right to own land.

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. Both Hindu and Muslim women interviewed stated that the local leaders did not recognize women's rights to inherit land from their parents.

Such resistance within home and in the community is likely to influence women's efforts at claiming their land/property rights.

**4). 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 were owned by women, compared to 93% owned by their husbands. Women's plots were acquired through inheritance, market purchases and government allocation. 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,(where both women and men made decisions). The land women bought was often used for market agriculture (39%) or as a residence (37%).

Since the mid-1990's, a number of state governments have allocated tiny plots of land in the women's names (Mitchell and Espinosa,2009), mostly in case of backward castes, tribal peoples and women-headed households. The Landesa-UN Women Study shows that 20 % of the households interviewed had received government land. Of these, 63 % of the households were of 'the backward caste category' and 14 % of the women-headed households. It was not clear however, how the other households received plots. Most of these plots were typically homestead plots (78%) and had an average size of 31.6 decimals of an acre.

**5). Lack of Formal Documentation:** In fact, only 60% of the plots reported in the 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 we 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.

**6). 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.

**7). 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, our 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.

**8). 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 our sample 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.

In general the seasonal migrant household, with men's presence for several months in a year did not allow women to make decisions on the use of agricultural land. Women were noticeably more likely to have a say if they were *de facto* heads of households. In all cases however where women had their names on the documents were more likely to take part in decisions about land 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%). Not surprisingly, 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.

## **VI. 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, is one of such examples: women of the Self-help groups were asked to select themselves or other members for training as para-legals and offer their assistance in resolving disputes or claiming women's rights in their communities.

**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.

A gender-balance representation of women at various levels of the Revenue administration. It is needed and more so at the local level of village patwaris and patels because these are the officers with whom rural women will need to have face-to-face interactions. Furthermore, the most effective way to reach out to rural women might be to have women-managed support offices at Tehsil or Block with mandated responsibility to address specific disputes brought by 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 or 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, Odisha and Andhra Pradesh are some examples of innovative government efforts 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 meeting. These events ensure not only that women's rights are captured in writing, but also that women, and their families and their communities, know that women have become landowners and can have land/property 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.

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