



Women Inheriting Land: Rights and Realities

Theme/Sub Theme: Inclusive Land Tenure Security

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Studies have shown that a key factor linked with rural poverty is land. Arable land has been analyzed as the most valued form of property, for its economic, political and symbolic significance. It is wealth creating and livelihood sustaining asset. It has also been termed as a metaphor for power, wealth and status.

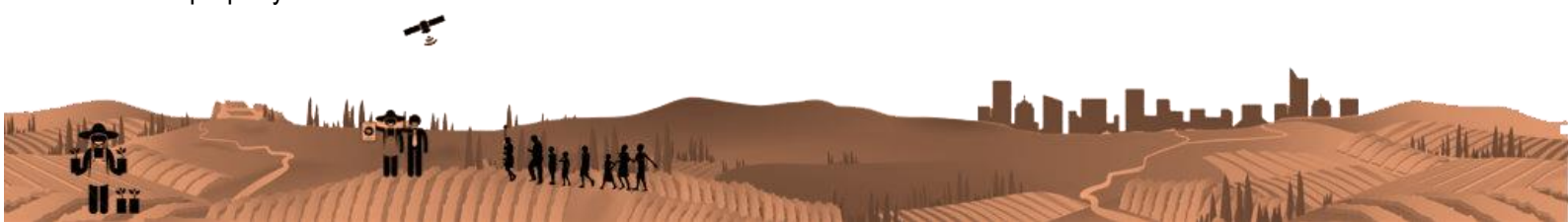
Sustainable Development Goal number one and two – Zero hunger; Achieve food security and improved nutrition along with goal eight- Achieve Gender Equality directly focuses on inheritance rights to land for women. Studies have shown that in regions where agriculture dominates livelihoods, land is also important for women for reducing the risk of poverty and enhancing food security. Women who own land or control assets are better positioned to improve their lives and cope in the face of crisis. By owning land and homes, women directly gain from the benefits of using land, earning income and also have a secure place to live. Research has shown that individuals who own land generate much higher rural nonfarm earnings from self-employment than people without land. Women can also use the land as collateral for credit during crisis or for investing in other income generating work.

A large percentage of households, estimated to be between 20 to 35% in India are de-facto, female headed. For widows and elderly, in particular, ownership of land also creates possibilities for drawing support from relatives. Land titles also serve as collaterals in accessing the benefits of development programs and accessing other productive resources for farmers. In regions with high male migration and where women are the principal farmers, such support is critical for their households.

From the three ways that a woman can own land: through inheritance; government land redistribution and from market- inheritance occupies the utmost importance, as about 60-70% of India's agriculture land is privately owned by family.

Despite this significance of women's land ownership through inheritance rights to land, fact remains that land ownership for women in India has remained a grey area in terms of data. The closest data available is the one which reflects a land holding: figures from the latest Agricultural Census of 2015-2016 indicate that women operated land holdings in India account for 13.87% of all holdings, comprising about 11.57% of the total operated area.

Entitlements to land are determined by diverse socio-political systems that have evolved over time and sometimes exist concurrently. Inheritance patterns in land vary within and between countries and further by region, religion, caste, community, ethnicity. The social norms and institutions that constrain women from claiming and controlling land vary region by region. They disadvantage women more in certain region than others. Variations persist, in relation to inheritance of agricultural land in the tenurial enactments of different states. These variations have been traced back to the colonial heritage when inheritance and marriage laws were perceived as personal laws of communities. Laws enacted later accommodated customary, religious and pluralistic traditions. Inheritance rights to land, particularly agricultural land, have been most difficult to enact. In India, it took almost half a century to amend (2005) the Hindu Succession Act (HSA) of 1956. This amendment overriding the varied tenurial laws of different states, enable daughters, including those who are married, to become coparceners in joint family property.



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MARCH 12-14, 2019 | India International Center, New Delhi



This session will explore how laws and policy in India relate to the issue; the legal barriers; data on ground realities on the inheritance rights to land for women; the monitoring mechanism for this indicator at the country level for the SDGs - along with the good practices that have enabled progress in the country on this. The challenges faced while ensuring inheritance right to land of women at the grassroots will be dwelt upon, and strategies tried out successfully which can be up scaled will be shared in a discussant format. This would be done by a panel of discussants - macro perspective related to the issue from a gender expert; legal angles from legal expert; and experience sharing of success and learning for ensuring inheritance rights to land for women by organizations working at the grassroots from across the country.

